NOTICE is hereby given that on the 3rd February 1886 the undermentioned property, valued in all at Rs. 180-9-0, was found near the burial-ground, at a distance from the temple of Agasti Iswara Swamy, in the village of Irakam, Gudur taluq, Nellore district

All persons claiming the treasure, or any part thereof, are required to appear personally, or by agent, before the undersigned on the 1st October 1886 at Nellore, and establish their claims to it.

List of Property.

		Value. Rs.	A.	P.
(1)	A big idol of mixed metal, 6 maunds weight	150	0	0
(1)	A small idol of mixed metal, 2½ visses weight	15	0	0
(1)	Cumbarthi, copper, 1½ viss ...	3	0	0
(1)	Tirtavattu, 1¼ viss, copper ...	1	0	0
(1)	Copper sandals, a pair, ¼ viss...	2	0	0
(1)	Bell, 4 pollams	0	1	0
(2)	Cumbarthi Jhattaler of one metal	4	0	0
(1)	Plate made of bell metal, ½ viss	0	8	0
(1)	Metallic plate for cumbarthi, 2½ visses	5	0	0
	Total ,,	180	9	0

E. V. LAW, Acting Collector,

Nellore Collector's Office, 28th May 1886.

In the Court of the Second Subordinate Judge of 24-Parganas.

EXECUTION CASE No. 32 OF 1884.

Moonshee Ahammadulla and others, decree-holders, *versus* Abbashi Begum and others, judgment-debtors.

THE right, title, and interest of the judgment-debtors in the property described below will be put up to sale in the sale-room of the District Judge of 24-Parganas, at Alipore, on the 6th July 1886, at 12 o'clock noon, for realization of Rs. 3,740-15 and further costs :—

Lot 1.—One bigha five cottas rent-paying land of the judgment-debtors, situate in Matiabooraj within registration sub district Alipore, thana sudder pargana Magoora, together with the three-storied pucca building and all other appurtenances, bounded as follows :—

On the north by public road ; on the west by the land of Mokim Serang ; on the east by the house of Jashin Khan and others, and a pathway ; and on the south by the land of Ata Hossein and the Emambarah of the Ex-King of Oudh.

(1411—1) AMRITALAL PAL, Second Subordinate Judge.

TO be promptorily sold by the Registrar of the Calcutta High Court, Original Jurisdiction, in his sale-room in the Court-house on Saturday, the 24th July 1886, at the hour of twelve o'clock at noon, pursuant to a decree and order of the said Court made in suit No. 239 of 1885 [wherein Richard Henry Walker is plaintiff and Jonathan Henry Poulson is defendant], and dated, respectively, the 8th July 1885 and 10th March 1886, the following property, viz.,—

Lot 1.—All that upper-roomed, brick-built dwelling-house, and the piece of land belonging thereto, being No. 4, Gungadhur Baboo's Lane, in the Town of Calcutta, holding No. 18, and Block No. III, containing by estimation nine cottahs thirteen chittacks and twenty-five square feet, be the same a little more or less.

Lot 2.—And also all that upper-roomed, brick-built dwelling-house, and the piece of land thereunto belonging, and being No. 97, holding No. 150, Block No. 1, Lower Circular Road, in the Town of Calcutta, containing by measurement nine cottahs and thirteen chittacks, be the same a little more or less, and the Government rent of which is rupee one thirteen annas and six pies per annum, both being in the Registration District of Calcutta.

The abstract of title and conditions of sale may be seen at the office of the Registrar of the High Court, Original Jurisdiction, or at the office of Messrs. Beeby and Rutter, Attorneys for the plaintiff, at No. 10, Hastings Street, on any day before the sale, and will be produced at the sale.

R. BELCHAMBERS, Registrar.

Beeby and Rutter, Plaintiff's Attorneys.

Calcutta, High Court, the 21st day of June 1886.

(1407-1)

Notice.

THE interest and responsibility of Mr. John Johnstone Jardine Keswick in our firm ceased on 30th April last.

JARDINE, SKINNER & Co.

Calcutta, 24th June 1886. (1403—3)

Notice.

THE interest and responsibility of the late Mr. Daniel Hanhart in our firm ceased on 31st January 1885.

J. G. HANHART & Co.

Calcutta, 26th June 1886. (1408—3)

MR. CHARLES POTTER is authorised to sign for us. CARLISLES NEPHEWS & Co.

(1381—3)

The India General Steam Navigation Company, "Limited."

NOTICE is hereby given that an Extraordinary General Meeting of the Company will be held at No. 4, Fairlie Place, Calcutta, on Saturday, the 10th of July 1886, at noon, when the subjoined resolution, which was passed at the Extraordinary General Meeting of the Company, held on the 16th of June 1886, will be submitted for confirmation as a special resolution—

"That the new Regulations already approved by this meeting, and for the purpose of identification subscribed by the Chairman thereof, be, and the same are hereby approved and that such Regulations be and they are hereby adopted as the Regulations of the Company to the exclusion of all the existing Regulations thereof."

By order of the Directors,

G. J. SCOTT, Secretary

Dated at Calcutta, this 17th day of June 1886.

N.B.—A copy of the new Regulations above referred to can be seen at the Office of the Company, No. 4, Fairlie Place, Calcutta. (1377—3)

New Beerbhoom Coal Company, "Limited."

NOTICE is hereby given that the Twenty-sixth Ordinary General Meeting of the Shareholders of the above Company will be held at the office of the Company, 1, Hastings Street, on Wednesday, the 7th July 1886, at noon, for the purpose of receiving the Directors' Report, passing the accounts for the half-year ending 30th April 1886, declaring a dividend, electing auditor, and for the transaction of any other business that may be brought forward.

The share transfer books of the Company will be closed from 24th instant to 7th proximo, both days inclusive.

p. pro. A. R. MCINTOSH AND COMPANY,

JOHN MCINTOSH,

Calcutta, the 19th June 1886. Managing Agents.

(1378—3)

The Bengal Coal Company, "Limited."

NOTICE is hereby given that an Extraordinary General Meeting of the Shareholders of the Company will be held at the Registered Office of the Company, No. 1, Garstin's Place, Calcutta, on Wednesday, the 7th day of July 1886, at 11 A. M., to confirm the Resolution passed at the Extraordinary General Meeting held on the 12th June 1886.

By order of the Board,

H. H. MACLEOD, Superintendent.

Calcutta, the 15th June 1886. (1342—4)

The Bengal Coal Company, "Limited."

NOTICE is hereby given that an Extraordinary General Meeting of the Shareholders of the Company will be held at the Registered Office of the Company, No. 1, Garstin's Place, Calcutta, on Wednesday, the 7th day of July 1886, at 11 o'clock A.M., or as soon after that hour as the business of the other meeting of the Company to be held on that day will permit, to confirm the Resolution passed at the adjourned Extraordinary General Meeting held on the 12th June 1886.

By order of the Board,

H. H. MACLEOD, Superintendent.

Calcutta, the 15th June 1886. (1343—4)

The Gowhatty Tea Company, "Limited."

NOTICE is hereby given that an Extraordinary General Meeting of this Company will be held at the Registered Office of the Company, No. 4, Clive Row, in the Town of Calcutta, at noon, on Thursday, the 22nd day of July, when the subjoined resolutions, which were passed at the Extraordinary General Meeting of the Company held on the 24th day of June last, will be submitted for confirmation as special resolutions :—

1.—That the Company be wound up voluntarily, and that Mr. A. Robertson be appointed Liquidator thereof at a remuneration of rupees five hundred.

2.—That, subject as provided in the next resolution, the said Liquidator shall have power to do such of the several acts and things specified in sections 144, 177, and 204 of the Indian Companies Act, 1882, as shall be found necessary for winding up the affairs of the Company and distributing its assets.

Note.—The "next resolution" referred to in resolution number 2, is a resolution which was passed as an extraordinary resolution at the meeting held on the 24th June last, and which provides "that the powers of the Liquidator to sell and dispose of the Company's property shall be subject to the approval of the Company in General Meeting."

JARDINE, SKINNER & Co., Managing Agents.
Calcutta, the 25th June 1886. (1405—1).

INSOLVENT NOTICES.

In the Court for the Relief of Insolvent Debtors at Calcutta.

In the matter of JAMES MCARTHUR, an insolvent.

On Saturday, the 5th day of June instant, it was ordered that the first Court day in July 1887 be appointed for the further hearing of this matter, and that unless cause be shown to the contrary on that day, the said insolvent be discharged personally as well as to his after-acquired property from all liabilities for debts, claims and demands of and against the said insolvent at the time of the filing of his petition for relief.

Dignam and Robinson, Attorneys. (1383—2)

In the matter of RAMPERTAUB and LALLCHAND, insolvents.

On Friday, the 14th day of May last, it was ordered that the matters of the petition of the said insolvents be heard on Wednesday, the 7th day of July next, and that the said insolvents do then attend to be examined before the said Court.

Insolvents in person. (1393—2)

In the matter of ENATOOLLAH SIRCAR and NAZEERBUKSH SIRCAR, insolvents.

On Tuesday, the 15th day of June instant, it was ordered that the matters of the petition of the said insolvents be heard on Wednesday, the 4th day of August next, and that the said insolvents do then attend to be examined before the said Court

Sitanauth Doss, Attorney. (1395—2)
Chief Clerk's Office, the 22nd day of June 1886.

In the Court of the District Judge of Patna.

MALIK MOHAMED YAQUB, son of Malik Enayet Ali, of mouzah Maijrah, pergunnah Beswak, district of Patna, was declared insolvent on the 22nd May 1886, and Rai Ishwari Prosad, General Receiver of the Court, has been appointed Receiver of his property.

T. M. KIRKWOOD, District Judge of Patna.
Bankipore, the 18th June 1886. (1398—1)

Miscellaneous Case No. 15 of 1886.

BECHU SARDAR, son of the late Kuraish Mahmud, of Kholna, police station Gournodi, district Bakirganj, was declared an insolvent on the 19th June 1886, and discharged under section 351, Civil Procedure Code.

J. F. BRADBURY, District Judge.
Bakirganj District Judge's Office, the 21st June 1886. (1399—1)

Miscellaneous Case No. 20 of 1886.

MUHRUDDIN, son of the late Muniruddin, chowkidar of Chhoto Bighai, police station Patuakhali, district Bakirganj, was declared an insolvent on the 14th June 1886, and discharged under section 351, Civil Procedure Code.

J. F. BRADBURY, District Judge.
Bakirganj District Judge's Office, the 22nd June 1886. (1402—1)

Notice.

IT is hereby notified that in the case No. 3 of 1886 (Insolvency) of this Court, Ras Behari Choudhari of Jungipore in this district has, by an order dated the 14th May 1886, been adjudicated an insolvent, and that the Nazir of the Jungipore Munsif's Court has been appointed Receiver of his property under section 351, Civil Procedure Code.

T. D. BEIGHTON,
District Judge, Murshedabad.
Murshedabad District Judge's Office, the 25th May 1886. (1295—1)

POSTAL NOTICES.

Unclaimed Letters held in the Calcutta General Post Office on 29th June 1886.

Bastien, J. V.
Burbridge, J. G.
Dundas, R. H. D.
Dunn, Mrs. E. A.
Massor, L. F.
Nicholson, G.
Okedon, W. P.
Parry, J. C.
Polendine, W.
Razental, T. W.
Rushall, R. B.
Sandeman, H. D.
Schoenemann, C. H. T.

Letters marked "Care of Post Office."

Barnes, G. J.
Barnett, Mrs. James.
Bashem, M. E.
Bates, J. N.
Bigex, Mon. E.
Blessett, W. V.
B. R.
Burke, E. M.
Bush, C.
Butler, T.
Campbell, Hon. James.
Capel, Lt.-Col.
Caws, Capt. A. E.
Cohen, Mr.
Delany, Mrs. J.
Dimmock, Basil.
D'Mello, Jose.
Dodd, C. B. N.
Dowling, D. G. A.
D'Rozario, H. S. S.
D'Rozario, Miss J.
Drury, Surgeon F. J.
Dyson, H. J.
Easton, Percy H.
Ellis, R. H. M.
Entwisle, R.
Fox, R. C. W.
Fraser, H. B.
Gayer, A. H.
Gayton, E. Hugh.
"Gertrude."
Gilbert, Mrs. M.
Godfrey, J. B.
Greenhill, E. G.
Groseman, L. O.
Griffiths, Morris.
Guerrier, H. J.
"Gusture."
Hair, G.
Hannagan, C. H. M.
Harford, J.
Harmer, Capt. Henry.
Hoare, R.
Horne, James S.
Hutton, Lt.-Col.
J. M. Mc.
Kelly, Miss G.
Kemp, Edwin.
K. T. M.
Kirkbride, J.
Knight, Capt. M. J.
Kohann, Madame Rosa.
Kynoch, Mrs. G.
Lemarchand, J. R.
Macqueen, T.
Martin, H.
Martin, Lt. C. W. F.
McDonald, J.
McDonald, Miss.
McLaughlin, John.
Mifsud, George
Miller, Capt. John C.
Morgan, W.
Morris, Paul.
Mullen, J.
Norville, Mrs. L.
Olsen, J.
Page, J. B.
Percy, A.
Poley, J.
Power, J. O.
Preston, R. C. Campbel.
Randall, T.
Rice, W. G. L.
Rishworth, B. J.
R. M. E., Miss.
Roberts, H. A.
Robinson, F. A.
Salten, Miss M.
Sammi, T.
Sargon, S.
Schmid, Otto.
Schoeman, G. M.
Sheldrake, Miss Hannah.
Sole, Rev. A. B.
Stone, Mrs. T.
Stuart, C. H.
Swingler, Mrs. C.
Thompson, R. D.
Todd, H. P.
Tracey, A.
Tyrrell, C. A.
Walker, P. C.
Ward, Lieut. B. R.
Williams, C.

Registered Letters

Grogan, H. C.	Sutherland, G.
Guerrier. H. J.	Wilson, W T.
Jones, W.	Wrightson, T. N.
Power, J. O.	

Unclaimed Letters held in the Barrackpore Post Office on the 21st June 1886.

Arrakiel, M.	Hobson, E. A.
Banerjee, Shib Nath.	Jarvis, J.
Bhattacharjee, Ram Brohmo.	Mitford, R. C. W.
Cook, Alexander.	Mount, F. de.
Flunks, Lt.-Col. W. A.	Nicholls, J.
Fuffer, R. P.	Owen, J.
Gibbons, F.	Thomas, C F.
Hart, H.	Zacheriah, H. C.

G. BARTON GROVES,
Offg. Presidency Postmaster, Calcutta.

Mails for	Date of closing at Calcutta.	How despatched.
	1886.	
Egypt, Europe, America, Cape Colonies through United Kingdom.	3rd July	Per P. & O. str. from Bombay.
Ditto book-post and pattern packets.	2nd ,,	Ditto.
Zanzibar. Mozambique and East Cost of Africa generally, Delagoa Bay, Natal and Cape Colonies by B. I. Steamers from Aden to Zanibar and thence by the Castle Mail Packets.	10th ,,	Ditto.
Ceylon, Straits Settlements, Netherlands India, Labuan, Bankok (Siam), Philippine Islands, China and Japan	6th ,,	Ditto.
Australia. New Zealand and Tasmania	6th ,,	Ditto.
Madras and Colombo	7th ,,	Per P. & O. str. *Bengal*.
Straits and Hong-Kong ...	9th ,,	Per str. *Taisang*.
Rangoon and Moulmein ...	7th ,,	Ditto *Patna*
Ditto ditto ...	30th June	Ditto *Nerbudda*.
Akyab, Kyouk-Phyoo and Rangoon.	7th July	Ditto *Busheer*.
Ditto ditto ...	30th June	Ditto *Mahratta*.
Port Blair and Camorta ...	1st July	Ditto *Maharani*.
Port Blair *vid* Rangoon ...	7th ,,	Ditto *Patna*.

N.B.—The letter-box will close at 7 P.M. precisely, after which hour foreign letters fully prepaid and bearing an extra postage-stamp of four (4) annas on each cover will be received up to 7½ P.M.

G. BARTON GROVES, Offg. Presy. Postmaster.
General Post Office, the 30th June 1886.

Nuddea Rivers.

Report shewing the least depths of water for the week ending Friday, the 25th June 1886.

Name of river.	Reach of river.	Least depth of water soundings.	Remarks.
		Ft. In.	
Bhagirati.	Entrance from Ganges ...	11 0	
	Thence to Nurpur ...	6 3	Modanpur.
	From Nurpur to Jungipur ...	8 6	Bangabari.
	,, Jungipur to Berhampore	7 0	Pakpara.
	,, Berhampore to Cutwa...	6 9	Cutwa.
	,, Cutwa to Nuddea ...	7 0	Metari.
Bhyrub-Jelinghi.	Entrance from Ganges ...	8 0	
	Thence to Akrigonj	9 6	
	Akrigonj to junction of the Bhyrub and Jelinghi... ...	5 4	Hurirampur.
	Thence to Patkabari	8 6	Lalnagar.
	Patkabari to Nuddea	6 3	Dabipur.
Matabanga.	Entrance from Ganges ...	3 1	
	Thence to Chuypara	3 1	
	From Chuypara to Shikarpur	4 9	Pragpur.
	,, Shikarpur to Boalia ...	4 6	Malipara.
	,, Boalia to Chuadanga ...	5 0	Katchikatta.
	,, Chuadanga to Kissenganj and Hanskhali ...	5 3	Mothoorapur.

Gauge Readings.

	Locality.	Date.	Hour.	Height above zero.	Height above mean sea level.	Remarks.
			A.M.			
Ganges.	Sahebganj ...	27-6-86	6	11·2	79·2	
	Rampore Boalia	25-6-86	12	5·0	47·0	
	Entrance of Bhagirati	27-6-86	7	16·90	.....	
	Entrance of Bhyrub-Jelinghi ...	27-6-86	...	9·65	.....	
	Entrance of Matabanga ...	26-6-86	...	6·2½	.....	
Bhagirati...	Berhampore ...	28-6-86	10	13·10½	.....	
Jelinghi ..	Kishnaghur ...	26-6-86	12	5·4½	.....	
Matabanga	Hanskhali ...	25-6-86	...	2·4	.....	

P. B. ROBERTS, C.E., *Executive Engineer, Nuddea Rivers Division.*

Berhampore, the 28th June 1886.

The following revised advertisement is published in substitution of that which appeared at page 1084, Part II of the *Calcutta Gazette* of the 9th July 1884 :—

The Indian Law Reports,

Published under Authority.

THE Indian Law Reports, published under the authority of the Governor-General in Council, appear in monthly parts, published as soon as possible after the first of each month at Calcutta, Madras, Bombay, and Allahabad, and comprise four series—one for the Calcutta High Court, a second for the Madras High Court, a third for the Bombay High Court, and a fourth for the Allahabad High Court. The cases heard by the Privy Council on appeal from each High Court are reported in the Series for that High Court. Cases heard by the Privy Council on appeal from Provinces in India not subject to any High Court are reported in the Calcutta Series.

The Calcutta Series is distributed by the Bengal Secretariat; the copies for subscribers registered by Messrs. Thacker, Spink & Co., are distributed by that firm; and the Madras, Bombay, and Allahabad Series are distributed direct from Madras, Bombay, and Allahabad respectively.

In supersession of the previous advertisements, on and from the 1st January 1885, the terms of subscription and sale will be as follows :—

Terms of subscription payable annually in advance.

For the complete series, *including postage*, Rs. 22-8.

	Without postage.	With postage
For the Calcutta Series ...	Rs. 10 0	Rs. 12 8
,, each of the Madras, Bombay, and Allahabad Series ...	,, 6 0	,, 7 0
,, a part of the Calcutta Series purchased separately (*inclusive of postage in India*)	.....	,, 2 0
,, a part of each of the Madras, Bombay, and Allahabad Series purchased separately (*inclusive of postage in India*) ...	.....	,, 1 0

Persons desiring to subscribe for or purchase the Reports should apply to—

Messrs. Thacker, Spink & Co., Calcutta.
,, Thacker & Co., Bombay.
,, Higginbotham & Co., Madras.
The Government Central Book Depôt, Bombay.
,, Curator of Government Books, North-Western Provinces and Oudh.
,, Superintendent of Government Printing, Bengal.

Orders and subscriptions for 1885 *should be at once remitted.*

THE following Reports of the Bengal Meteorological Department, issued by orders by the Government of Bengal, can be supplied to the public at the prices annexed:—

1*st.*—Bay of Bengal Daily Report giving observations taken at 20 stations on or near the coast of the Bay, with a chart and summary. This is published in connection with the Calcutta Storm Signal Service. The report giving 10 A.M. observations of the day is distributed by peon in Calcutta after 4 P.M. Price to subscribers in Calcutta, Rs. 2 per mensem.

2*nd.*—Bengal Daily Report containing observations taken at 37 meteorological stations, and transmitted to Calcutta by weather telegrams, with a brief summary of the weather in Bengal during the preceding 24 hours. The report giving the 10 A.M. observations of each day is printed in time for the evening mail. This report for the present will only be published during the south-west monsoon, *i.e.*, from May 15th to November 15th. Price Rs. 2-8 per mensem, including postage.

3*rd.*—A Weekly and Monthly Statement of Meteorological Observations taken at 44 observing stations, and of rainfall recorded at 245 sub-divisional stations, together with summaries of the more important features of the meteorology of the past week or month of the province, and of the distribution of the rainfall and its variation from the normal. Price of the Weekly Report, including postage, Rs. 6 per annum, payable in advance, and of the Monthly Summary Report, Rs. 2 per annum, payable in advance.

Subscriptions payable to the Meteorological Reporter to the Government of Bengal for the Bay of Bengal Daily Report, and to the Accountant and Treasurer, Bengal Secretariat, for the other reports.

ALEX. PEDLER,
Offg. Meteorological Reporter to the Govt. of Bengal.
Meteorological Office, Bengal, the 17th March 1886.

AT the Meteorological Office, No. 5, Russell Street, the following official publications:—

Meteorological Report of		1867	...	Rs. 0 12	per copy.
Ditto	ditto	1868	...	„ 1 8	„
Ditto	ditto	1869	...	„ 2 4	„
Ditto	ditto	1870	...	„ 2 6	„
Ditto	ditto	1871	...	„ 2 8	„
Ditto	ditto	1872	...	„ 3 0	„
Ditto	ditto	1873	...	„ 3 0	„
Ditto	ditto	1874	...	„ 3 0	„
Administration Report of		1870-71	...	„ 0 4	„
Ditto	ditto	1871-72	...	„ 0 4	„
Ditto	ditto	1872-73	...	„ 0 4	„
Ditto	ditto	1873-74	...	„ 0 4	„
Ditto	ditto	1874-75	...	„ 0 4	„
A table of the average monthly and annual rainfall at 98 Stations in Northern India			...	„ 0 4	„
Report of the Midnapore and Burdwan cyclone of the 15th and 16th October 1874			...	„ 2 8	„

The above are also to be obtained at the same prices at Messrs. Thacker, Spink & Co., No. 5, Government Place.

JOHN ELIOT, M.A., *Meteorological Reporter to the Govt. of Bengal.*

CALCUTTA, the 26th August 1875.

Notes on Forestry

BY C. F. AMERY,

Deputy Conservator, Forests, N.-W. Provinces.

THIS little work, published with the approval of the Government of India, treats of the general principles of forest management in all its branches, and is recommended not only to forest officers, but to all who are interested in the progress of forest management in this country.

May be obtained of Messrs. King, King & Co., Bombay, and of Messrs. Wyman & Co., Calcutta. Price Rs. 3-8, or including postage, Rs. 4. Or of the publishers, Messrs. Trübner & Co., Ludgate Hill, London Price five shillings.

INDIAN LAW REPORTS.

Advertisements will be received for publication on the wrappers of the Indian Law Reports, Calcutta Series, by the Calcutta Central Press Company, "Limited," 5-1, Council House Street, at the following rates, payable in advance—

	One page.	Half page.	Quarter page.
For one issue ...	Rs. 20	Rs. 14	Rs. 9
„ three issues ...	„ 55	„ 36	„ 24
„ six „ ...	„ 100	„ 68	„ 45
„ nine „ ...	„ 145	„ 96	„ 64
„ twelve „ ...	„ 180	„ 120	„ 80

A Manual of Reference to the Examinations, in Oriental languages, with the latest orders of Government, and specimen papers of the various standards. By Lieutenant-Colonel H. S. JARRETT. New Edition Rs. 4. Apply to the Librarian, 17, Elysium Row.

For sale in Rajputana to Officers stationed there.

Moore's Manual of Family Medicine for India, New Edition. *Price*—

To Government Officers (except those mentioned below) and to the public at large, Rs. 4.

To all Officers employed in Government Departments who are in receipt of salaries under Rs. 500 per mensem, on a certificate being furnished declaring that the book is to be purchased only for the personal use of the officer. Rs. 3 (8*a*).

BOOKS AND PUBLICATIONS

FOR SALE BY THE

Superintendent of Govt. Printing, India,

8, HASTINGS STREET, CALCUTTA.

All books published by the Superintendent of Government Printing, India, can be purchased either directly or through the following or any other booksellers:—

AGENTS:

CALCUTTA	... Thacker, Spink & Co.
MADRAS	... Higginbotham & Co.
BOMBAY	... Thacker, Vinning & Co. Cooper, Maddon & Co.
POONA	... Cooper, Maddon & Co.

CATALOGUE.

NOTICE.—Books required for private use only can be purchased. Applications should be accompanied by a remittance, unless it is wished that the books should be sent by value-payable post, in which case, besides the ordinary postage, an additional charge will be made for registration and commission.

Books required for the public service should be obtained through Local Governments.

FINANCIAL DEPARTMENT.

Codes of the Financial Department: Pension, Leave, and Pay and Acting Allowance. Sixth Edition, corrected to 20th February 1884. Super royal 8vo, boards. Rs. 3-8 (6*a*.).

*** *Lists of corrections to the above are supplied for Rs. 2 per annum.*

Travelling Allowance Code (Civil). Second edition, 1885. Royal 8vo, boards. Re. 1 (2*q*.)

*** *Lists of corrections to the above are supplied for Re. 1 per annum.*

Financial Statements bound in one Volume, from 1860-61 to 1873-74. Super royal 8vo, cloth. Rs. 4 (12*a.*)

List of Officers appointed by the Government of India in the Financial Department, and of the office establishment of the Financial Secretary to the Government of India, with Appendix, published monthly. Royal 8vo, paper cover. 4*a.* (1*a.*) each number.

Public Loans of the Government of India, Notifications relative to the, from 1822 to 1879. Demy 8vo, boards. Re. 1 (4*a.*)

Production of Gold and Silver: Demand for Gold and Price of Silver. By R. H. HOLLINGBERY. Fcap., paper cover. Re. 1 (4*a.*)

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R. H. WILSON,
Offg. Secy. to the Govt. of Bengal.

The 24th February 1886.

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PART III.

Act of the Bengal Council.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

[First Publication.]

THE following Act, passed by the Lieutenant-Governor of Bengal in Council, received the assent of His Honor on the 14th April 1886, and having received the assent of His Excellency the Governor-General on the 24th May 1886, is hereby published for general information :—

ACT No. I OF 1886.

An Act to further amend the Village Chaukidari Act, 1870.

WHEREAS it is expedient to further amend the Village Chaukidari Act, 1870 : It is enacted as follows :— Preamble.

PRELIMINARY.

1. This Act shall be read with, and taken as part of, Bengal Act VI of 1870 as amended by Bengal Act I of 1871. Extent.

And it shall come into force in all districts to which Bengal Act VI of 1870 as amended by Bengal Act I of 1871 has been extended from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General. Commencement.

2. For section 3 the following shall be substituted :— New section substituted for section 3.

"3. It shall be lawful for the Magistrate of the district, by a writing under his hand, to appoint not less than three nor more than five persons to be a panchayàt in any village containing more than sixty houses, within the district of which he has charge : Power to appoint panchayàt in villages.

"Provided that no such panchayàt shall be appointed in any place to which the Bengal Municipal Act, 1884, has been, or may hereafter be, extended :

"Provided also that no panchayàt shall be appointed in any village until some officer exercising magisterial powers shall, in personal communication with the villagers, have explained to them the duties of a panchayàt, and shall have ascertained on the spot, by any means he thinks best to employ, the persons who, by reason of their local influence, in the opinion of the villagers, or for special reasons to be recorded by such magisterial officer, are most proper to be appointed members of the panchayàt :

"Provided also that in every village to which this Act has already been extended the Magistrate shall, as soon as may be, ascertain, in the manner hereinbefore provided, the persons most proper to be appointed as members of the panchayàt, and shall appoint them accordingly."

3. For section 6 the following shall be substituted :— New section substituted for section 6.

"6. Whenever any member of a panchayàt shall die or cease to be a member of such panchayàt, the Magistrate shall, by a writing under his hand, call on the remaining members of the panchayàt to nominate within thirty days a fit and proper person to be appointed as member of the panchayàt in the room of such member so dying or ceasing to be a member and the Magistrate Succession of member of panchayàt.

shall, unless he considers such nomination improper, appoint the person so nominated to be a member of the panchayàt:

"Provided that if no person shall have been so nominated, or if in the opinion of the Magistrate the person nominated is, for reasons to be recorded by him in writing, unfit to be appointed a member of the panchayàt, the Magistrate shall appoint a fit and proper person to be a member of the panchayàt."

Amendment of section 8.

4. In section 8 for the words "fifteen days" shall be substituted the words "thirty days," and for the words "two years," shall be substituted the words "three years."

New section substituted for section 9.

5. For section 9 the following shall be substituted:—

"9. Every member of a panchayàt appointed under section three shall be appointed for the term of three years. Every member of a panchayàt appointed under section six shall be appointed only for a term equal to the unexpired portion of the term for which the member whom he succeeds was appointed."

Period for which panchayàt to be appointed.

New sections to follow section 9.

6. After section 9 the following shall be inserted:—

"9A. No member of a panchayàt, after the expiry of his term of office, shall be again appointed a member of a panchayàt, without his consent, till after the lapse of three years.

Exemption from serving on panchayàt.

"9B. On the expiry of the term for which the members of a panchayàt were appointed, the Magistrate shall appoint a new panchayàt in the manner prescribed in section three, the outgoing panchayàt continuing to exercise all the functions of a panchayàt until such new panchayàt has been appointed."

Appointment of fresh panchayàt.

Amendment of section 22.

7. In section 22, for the words "six per cent." shall be substituted the words "ten per cent."

Amendment of section 39.

8. To section 39 the following shall be added:—

"8*th*—He shall assist the collecting member of the panchayàt in collecting the chaukidari assessment."

Amendment of section 41.

9. In section 41 after the words "such member shall himself report the same" and before the words "to such officer" shall be inserted the following:—

"or cause the same to be reported."

New section substituted for section 43.

10. For section 43 the following shall be substituted:—

"43. Every chaukidar shall receive, quarter by quarter, the full amount of his salary from such officer or person as the Magistrate shall appoint."

Mode of paying chaukidars.

New section substituted for section 44.

11. For section 44 the following shall be substituted:—

"44. Within thirty days after the end of each quarter, every panchayat shall pay or remit to such officer or person as the Magistrate may appoint under the last foregoing section a sum equal to the pay of the chaukidar for the quarter, or any smaller amount which may stand to the credit of the Chaukidari Fund of the village."

Panchayát to pay or remit quarterly amounts for payment of chaukidars, &c.

Amendment of section 45.

12. In section 45 for the words "shall issue his warrant" shall be substituted the words "may issue his warrant," and at the end of the section the following shall be added:—

"An application for the appointment of a tehsildar under section 46A shall not of itself be deemed a sufficient step to realize from defaulters the arrears due from them."

New sections to follow section 46.

13. After section 46 the following shall be inserted:—

"46A. The Magistrate may at any time, on the application of the panchayàt of any village, appoint a tehsildar in such village to assist the collecting member of such panchayàt, and such tehsildar shall exercise all the powers vested in the panchayàt for the collection of the chaukidari assessment, and the Magistrate shall, on a like application, revoke such appointment.

Appointment of tehsildar at request of panchayàt.

"46B. Every tehsildar appointed under the last foregoing section shall be remunerated at such rate and in such manner as the Magistrate may, from time to time, with the sanction of the Commissioner of the Division prescribe; and such remuneration shall be levied from those who have failed to pay their chaukidari assessments in the same manner and in the same proportion as the chaukidari assessment:

Remuneration of tehsildar.

"Provided that one tehsildar may, in the discretion of the Magistrate, be appointed for more than one village."

GORDON LEITH,

Offg. Asst. Secy. to the Govt. of Bengal,
Legislative Department.

The Calcutta Gazette.

WEDNESDAY, JUNE 9, 1886.

PART III.

Act of the Bengal Council.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

THE following Act, passed by the Lieutenant-Governor of Bengal in Council, received the assent of His Honor on the 14th April 1886, and having received the assent of His Excellency the Governor-General on the 24th May 1886, is hereby published for general information :—

ACT No. I OF 1886.

An Act to further amend the Village Chaukidari Act, 1870.

WHEREAS it is expedient to further amend the Village Chaukidari Act, 1870: It is enacted as follows :— Preamble.

PRELIMINARY.

1. This Act shall be read with, and taken as part of, Bengal Act VI of 1870 as amended by Bengal Act I of 1871. Extent.

And it shall come into force in all districts to which Bengal Act VI of 1870 as amended by Bengal Act I of 1871 has been extended from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General. Commencement.

2. For section 3 the following shall be substituted :— New section substituted for section 3.

"3. It shall be lawful for the Magistrate of the district, by a writing under his hand, to appoint not less than three nor more than five persons to be a panchayàt in any village containing more than sixty houses, within the district of which he has charge : Power to appoint panchayàt in villages.

"Provided that no such panchayàt shall be appointed in any place to which the Bengal Municipal Act, 1884, has been, or may hereafter be, extended :

"Provided also that no panchayàt shall be appointed in any village until some officer exercising magisterial powers shall, in personal communication with the villagers, have explained to them the duties of a panchayàt, and shall have ascertained on the spot, by any means he thinks best to employ, the persons who, by reason of their local influence, in the opinion of the villagers, or for special reasons to be recorded by such magisterial officer, are most proper to be appointed members of the panchayàt :

"Provided also that in every village to which this Act has already been extended the Magistrate shall, as soon as may be, ascertain, in the manner hereinbefore provided, the persons most proper to be appointed as members of the panchayàt, and shall appoint them accordingly."

3. For section 6 the following shall be substituted :— New section substituted for section 6.

"6. Whenever any member of a panchayàt shall die or cease to be a member of such panchayàt, the Magistrate shall, by a writing under his hand, call on the remaining members of the panchayàt to nominate within thirty days a fit and proper person to be appointed as member of the panchayàt in the room of such member so dying or ceasing to be a member and the Magistrate Succession of member of panchayàt.

shall, unless he considers such nomination improper, appoint the person so nominated to be a member of the panchayàt:

"Provided that if no person shall have been so nominated, or if in the opinion of the Magistrate the person nominated is, for reasons to be recorded by him in writing, unfit to be appointed a member of the panchayàt, the Magistrate shall appoint a fit and proper person to be a member of the panchayàt."

Amendment of section 8.

4. In section 8 for the words "fifteen days" shall be substituted the words "thirty days," and for the words "two years," shall be substituted the words "three years."

New section substituted for section 9.

5. For section 9 the following shall be substituted:—

"9. Every member of a panchayàt appointed under section three shall be appointed for the term of three years. Every member of a panchayàt appointed under section six shall be appointed only for a term equal to the unexpired portion of the term for which the member whom he succeeds was appointed."

Period for which panchayàt to be appointed.

New sections to follow section 9.

6. After section 9 the following shall be inserted:—

"9A. No member of a panchayàt, after the expiry of his term of office, shall be again appointed a member of a panchayàt, without his consent, till after the lapse of three years.

Exemption from serving on panchayàt.

"9B. On the expiry of the term for which the members of a panchayàt were appointed, the Magistrate shall appoint a new panchayàt in the manner prescribed in section three, the outgoing panchayàt continuing to exercise all the functions of a panchayàt until such new panchayàt has been appointed."

Appointment of fresh panchayàt.

Amendment of section 22.

7. In section 22, for the words "six per cent." shall be substituted the words "ten per cent."

Amendment of section 39.

8. To section 39 the following shall be added:—

"8*th*—He shall assist the collecting member of the panchayàt in collecting the chaukidari assessment."

Amendment of section 41.

9. In section 41 after the words "such member shall himself report the same" and before the words "to such officer" shall be inserted the following:—

"or cause the same to be reported."

New section substituted for section 43.

10. For section 43 the following shall be substituted:—

"43. Every chaukidar shall receive, quarter by quarter, the full amount of his salary from such officer or person as the Magistrate shall appoint."

Mode of paying chaukidars.

New section substituted for section 44.

11. For section 44 the following shall be substituted:—

"44. Within thirty days after the end of each quarter, every panchayat shall pay or remit to such officer or person as the Magistrate may appoint under the last foregoing section a sum equal to the pay of the chaukidar for the quarter, or any smaller amount which may stand to the credit of the Chaukidari Fund of the village."

Panchayàt to pay or remit quarterly amounts for payment of chaukidars, &c.

Amendment of section 45.

12. In section 45 for the words "shall issue his warrant" shall be substituted the words "may issue his warrant," and at the end of the section the following shall be added:—

"An application for the appointment of a tehsildar under section 46A shall not of itself be deemed a sufficient step to realize from defaulters the arrears due from them."

New sections to follow section 46.

13. After section 46 the following shall be inserted:—

"46A. The Magistrate may at any time, on the application of the panchayàt of any village, appoint a tehsildar in such village to assist the collecting member of such panchayàt, and such tehsildar shall exercise all the powers vested in the panchayàt for the collection of the chaukidari assessment, and the Magistrate shall, on a like application, revoke such appointment.

Appointment of tehsildar at request of panchayàt.

"46B. Every tehsildar appointed under the last foregoing section shall be remunerated at such rate and in such manner as the Magistrate may, from time to time, with the sanction of the Commissioner of the Division prescribe; and such remuneration shall be levied from those who have failed to pay their chaukidari assessments in the same manner and in the same proportion as the chaukidari assessment:

Remuneration of tehsildar.

"Provided that one tehsildar may, in the discretion of the Magistrate, be appointed for more than one village."

GORDON LEITH,

Offg. Asst. Secy. to the Govt. of Bengal,
Legislative Department.

[First Publication.]

THE following Act, passed by the Lieutenant-Governor of Bengal in Council, received the assent of His Honour on the 29th March 1886, and having received the assent of His Excellency the Governor-General on the 28th May 1886, is hereby published for general information :—

ACT No. II OF 1886.

An Act to amend Act II (B.C.) of 1866, and the Calcutta Police Act, 1866.

WHEREAS it is expedient to amend Bengal Act II of 1866 and the Calcutta Police Act, 1866 : It is enacted as follows :—

Preamble.

1. This Act shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

Commencement of Act.

2. For section 41 of Bengal Act II of 1866, and for section 68 of the Calcutta Police Act, 1866, the following shall be substituted :—

New section substituted for section 41, Act II (B.C.) of 1866, and section 68, Act IV (B.C.) of 1866.

"Whoever is found drunk and is incapable of taking care of himself, or is guilty of any riotous or indecent behaviour, in any public street or thoroughfare, or in any place of public amusement or resort, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding twenty rupees, or to imprisonment, with or without hard labour, for a term not exceeding eight days."

Penalty for drunkenness, or riotous or indecent behaviour, in public.

3. After section 68 of the said Calcutta Police Act the following shall be added :—

New section to follow section 68 of Act IV (B.C.) of 1866.

"68A. Whoever wilfully and indecently exposes his person, or commits a nuisance, by easing himself in, or by the side of, or near to, any public street or thoroughfare or place, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding ten rupees, or in default thereof, to imprisonment, with or without hard labour, for a term not exceeding three days."

Penalty for committing a nuisance in streets.

4. After section 72 of the said Calcutta Police Act the following words shall be added :—

Amendment of section 72 of Act IV (B.C.) of 1866.

"if the name and address of such person be unknown to such police officer, and cannot be ascertained by him then and there."

GORDON LEITH,
Offg. Asst. Secy. to Govt. of Bengal,
Legislative Department.

The Calcutta Gazette.

WEDNESDAY, JUNE 16, 1886.

PART III.

Act of the Bengal Council.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

THE following Act, passed by the Lieutenant-Governor of Bengal in Council, received the assent of His Honor on the 14th April 1886, and having received the assent of His Excellency the Governor-General on the 24th May 1886, is hereby published for general information :—

ACT No. I OF 1886.

An Act to further amend the Village Chaukidari Act, 1870.

Preamble.

WHEREAS it is expedient to further amend the Village Chaukidari Act, 1870: It is enacted as follows :—

PRELIMINARY.

Extent.

1. This Act shall be read with, and taken as part of, Bengal Act VI of 1870 as amended by Bengal Act I of 1871.

Commencement.

And it shall come into force in all districts to which Bengal Act VI of 1870 as amended by Bengal Act I of 1871 has been extended from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

New section substituted for section 3.

2. For section 3 the following shall be substituted :—

Power to appoint panchayàt in villages.

"3. It shall be lawful for the Magistrate of the district, by a writing under his hand, to appoint not less than three nor more than five persons to be a panchayàt in any village containing more than sixty houses, within the district of which he has charge :

"Provided that no such panchayàt shall be appointed in any place to which the Bengal Municipal Act, 1884, has been, or may hereafter be, extended :

"Provided also that no panchayàt shall be appointed in any village until some officer exercising magisterial powers shall, in personal communication with the villagers, have explained to them the duties of a panchayàt, and shall have ascertained on the spot, by any means he thinks best to employ, the persons who, by reason of their local influence, in the opinion of the villagers, or for special reasons to be recorded by such magisterial officer, are most proper to be appointed members of the panchayàt :

"Provided also that in every village to which this Act has already been extended the Magistrate shall, as soon as may be, ascertain, in the manner hereinbefore provided, the persons most proper to be appointed as members of the panchayàt, and shall appoint them accordingly."

New section substituted for section 6.

3. For section 6 the following shall be substituted :—

Succession of member of panchayàt.

"6. Whenever any member of a panchayàt shall die or cease to be a member of such panchayàt, the Magistrate shall, by a writing under his hand, call on the remaining members of the panchayàt to nominate within thirty days a fit and proper person to be appointed as member of the panchayàt in the room of such member so dying or ceasing to be a member and the Magistrate

shall, unless he considers such nomination improper, appoint the person so nominated to be a member of the panchayàt:

"Provided that if no person shall have been so nominated, or if in the opinion of the Magistrate the person nominated is, for reasons to be recorded by him in writing, unfit to be appointed a member of the panchayàt, the Magistrate shall appoint a fit and proper person to be a member of the panchayàt."

Amendment of section 8.

4. In section 8 for the words "fifteen days" shall be substituted the words "thirty days," and for the words "two years," shall be substituted the words "three years."

New section substituted for section 9.

5. For section 9 the following shall be substituted:—

"9. Every member of a panchayàt appointed under section three shall be appointed for the term of three years. Every member of a panchayàt appointed under section six shall be appointed only for a term equal to the unexpired portion of the term for which the member whom he succeeds was appointed."

Period for which panchayàt to be appointed.

New sections to follow section 9.

6. After section 9 the following shall be inserted:—

"9A. No member of a panchayàt, after the expiry of his term of office, shall be again appointed a member of a panchayàt, without his consent, till after the lapse of three years.

Exemption from serving on panchayàt.

"9B. On the expiry of the term for which the members of a panchayàt were appointed, the Magistrate shall appoint a new panchayàt in the manner prescribed in section three, the outgoing panchayàt continuing to exercise all the functions of a panchayàt until such new panchayàt has been appointed."

Appointment of fresh panchayàt.

Amendment of section 22.

7. In section 22, for the words "six per cent." shall be substituted the words "ten per cent."

Amendment of section 39.

8. To section 39 the following shall be added:—

"8*th*—He shall assist the collecting member of the panchayàt in collecting the chaukidari assessment."

Amendment of section 41.

9. In section 41 after the words "such member shall himself report the same" and before the words "to such officer" shall be inserted the following:—

"or cause the same to be reported."

New section substituted for section 43.

10. For section 43 the following shall be substituted:—

"43. Every chaukidar shall receive, quarter by quarter, the full amount of his salary from such officer or person as the Magistrate shall appoint."

Mode of paying chaukidars.

New section substituted for section 44.

11. For section 44 the following shall be substituted:—

"44. Within thirty days after the end of each quarter, every panchayat shall pay or remit to such officer or person as the Magistrate may appoint under the last foregoing section a sum equal to the pay of the chaukidar for the quarter, or any smaller amount which may stand to the credit of the Chaukidari Fund of the village."

Panchayàt to pay or remit quarterly amounts for payment of chaukidars, &c.

Amendment of section 45.

12. In section 45 for the words "shall issue his warrant" shall be substituted the words "may issue his warrant," and at the end of the section the following shall be added:—

"An application for the appointment of a tehsildar under section 46A shall not of itself be deemed a sufficient step to realize from defaulters the arrears due from them."

New sections to follow section 46.

13. After section 46 the following shall be inserted:—

"46A. The Magistrate may at any time, on the application of the panchayàt of any village, appoint a tehsildar in such village to assist the collecting member of such panchayàt, and such tehsildar shall exercise all the powers vested in the panchayàt for the collection of the chaukidari assessment, and the Magistrate shall, on a like application, revoke such appointment.

Appointment of tehsildar at request of panchayàt.

"46B. Every tehsildar appointed under the last foregoing section shall be remunerated at such rate and in such manner as the Magistrate may, from time to time, with the sanction of the Commissioner of the Division prescribe; and such remuneration shall be levied from those who have failed to pay their chaukidari assessments in the same manner and in the same proportion as the chaukidari assessment:

Remuneration of tehsildar.

"Provided that one tehsildar may, in the discretion of the Magistrate, be appointed for more than one village."

GORDON LEITH,
Offg. Asst. Secy. to the Govt. of Bengal,
Legislative Department.

[Second Publication.]

THE following Act, passed by the Lieutenant-Governor of Bengal in Council, received the assent of His Honour on the 29th March 1886, and having received the assent of His Excellency the Governor-General on the 28th May 1886, is hereby published for general information :—

ACT No. II OF 1886.

An Act to amend Act II (B.C.) of 1866, and the Calcutta Police Act, 1866.

Preamble.

WHEREAS it is expedient to amend Bengal Act II of 1866 and the Calcutta Police Act, 1866: It is enacted as follows :—

Commencement of Act.

1. This Act shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

New section substituted for section 41, Act II (B.C.) of 1866, and section 68, Act IV (B.C.) of 1866.

2. For section 41 of Bengal Act II of 1866, and for section 68 of the Calcutta Police Act, 1866, the following shall be substituted :—

Penalty for drunkenness, or riotous or indecent behaviour, in public.

"Whoever is found drunk and is incapable of taking care of himself, or is guilty of any riotous or indecent behaviour, in any public street or thoroughfare, or in any place of public amusement or resort, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding twenty rupees, or to imprisonment, with or without hard labour, for a term not exceeding eight days."

New section to follow section 68 of Act IV (B.C.) of 1866.

3. After section 68 of the said Calcutta Police Act the following shall be added :—

Penalty for committing a nuisance in streets.

"68A. Whoever wilfully and indecently exposes his person, or commits a nuisance, by easing himself in, or by the side of, or near to, any public street or thoroughfare or place, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding ten rupees, or in default thereof, to imprisonment, with or without hard labour, for a term not exceeding three days."

Amendment of section 72 of Act IV (B.C.) of 1866.

4. After section 72 of the said Calcutta Police Act the following words shall be added :—

"if the name and address of such person be unknown to such police officer, and cannot be ascertained by him then and there."

GORDON LEITH,

Offg. Asst. Secy. to Govt. of Bengal,
Legislative Department.

The Calcutta Gazette.

WEDNESDAY, JUNE 23, 1886.

PART III.

Act of the Bengal Council.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

THE following Act, passed by the Lieutenant-Governor of Bengal in Council, received the assent of His Honour on the 29th March 1886, and having received the assent of His Excellency the Governor-General on the 28th May 1886, is hereby published for general information :—

ACT No. II OF 1886.

An Act to amend Act II (B.C.) of 1866, and the Calcutta Police Act, 1866.

Preamble.

WHEREAS it is expedient to amend Bengal Act II of 1866 and the Calcutta Police Act, 1866: It is enacted as follows :—

Commencement of Act.

1. This Act shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

New section substituted for section 41, Act II (B.C.) of 1866, and section 68, Act IV (B.C.) of 1866.

2. For section 41 of Bengal Act II of 1866, and for section 68 of the Calcutta Police Act, 1866, the following shall be substituted :—

Penalty for drunkenness, or riotous or indecent behaviour, in public.

"Whoever is found drunk and is incapable of taking care of himself, or is guilty of any riotous or indecent behaviour, in any public street or thoroughfare, or in any place of public amusement or resort, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding twenty rupees, or to imprisonment, with or without hard labour, for a term not exceeding eight days."

New section to follow section 68 of Act IV (B.C.) of 1866.

3. After section 68 of the said Calcutta Police Act the following shall be added :—

Penalty for committing a nuisance in streets.

"68A. Whoever wilfully and indecently exposes his person, or commits a nuisance, by easing himself in, or by the side of, or near to, any public street or thoroughfare or place, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding ten rupees, or in default thereof, to imprisonment, with or without hard labour, for a term not exceeding three days."

Amendment of section 72 of Act IV (B.C.) of 1866.

4. After section 72 of the said Calcutta Police Act the following words shall be added :—

"if the name and address of such person be unknown to such police officer, and cannot be ascertained by him then and there."

GORDON LEITH,
Offg. Asst. Secy. to Govt. of Bengal,
Legislative Department.

The Calcutta Gazette.

WEDNESDAY, APRIL 14, 1886.

PART IV.

Bill of the Bengal Council.

GOVERNMENT OF BENGAL.

LEGISLATIVE DEPARTMENT.

THE following Bill was introduced and read in the Council of the Lieutenant-Governor of Bengal for the purpose of making Laws and Regulations on the 10th April 1886, and is hereby published for information:—

A Bill to consolidate and amend the law relating to the Municipal Affairs of the Town and Suburbs of Calcutta.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the municipal affairs of the Town and Suburbs of Calcutta: It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be cited as "The Calcutta Municipal Consolidation Act, 1886."

Commencement.

And it shall come into force on such date as the Local Government may direct, not being more than three months after the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

Enactments repealed.

2. The enactments specified in the tenth schedule are hereby repealed to the extent mentioned in the third column thereof.

This repeal shall not revive any office, authority, or thing abolished by any such enactment, or affect the validity of anything done or suffered, or any right, title, obligation, or liability accrued before the commencement of this Act.

And all rules prescribed, assessments, valuations, measurements, divisions, and appointments made, powers conferred, and notifications published under any such enactment, and all other rules (if any) now in force and relating to the matters hereinafter dealt with, shall (so far as they are consistent with this Act) be deemed to have been respectively prescribed, made, conferred, and published hereunder.

And all references made to any such enactment shall, as far as may be practicable, be deemed to be made to this Act.

And all proceedings now pending, which may have been commenced under any such enactment, shall be deemed to be commenced under this Act.

In respect to all the matters aforesaid, the Commissioners of Calcutta under this Act shall be substituted for the Commissioners of the Town of Calcutta.

Interpretation clause.

3. In this Act, unless there be something repugnant in the subject or context—

"Animal."

"Animal" means a horse, pony, mule, buffalo or bullock.

"Bazar."

"Bazar" means any place of trade, where there is a collection of shops and warehouses, and any place where a market is held.

"Calcutta." "Calcutta" includes the area bounded as follows:—

The southern and western bank of the Circular Canal from the river Hooghly to the south of Balliaghatta, till it meets the Topsea road. Thence along the eastern edge of the Topsea road to its junction with the Tiljullah road. Thence westward to the South-Eastern Railway, then southward along the western edge of the line of the Railway, and westward along the south of the new embankment to Tolly's Nullah. Thence due west to the Tollygunge road, then a short distance down that road to its junction with the Shahpur *alias* Goragachee road, and then along the southern edge of the last-named road to Nimuck Mehal Ghat, where it joins the Hooghly, run along the east bank of the Hooghly to its junction with the Circular Canal.

But from this area there shall be excluded—

(1) Fort William.
(2) The Esplanade.
(3) That part of Hastings north of the south edge of Clyde Row, which has hitherto been excluded from the Municipality of the Town of Calcutta.

"Carriage." "Carriage" means any wheeled vehicle with springs used for the conveyance of human beings.

"Cart." "Cart" means any cart, hackery, or wheeled vehicle with or without springs, not included in the definition of carriage.

"Chapter." "Chapter" means Chapter of this Act.

"Chairman." "Chairman" means the Chairman of the Commissioners of Calcutta.

"Court of Small Causes." "Court of Small Causes" means the Court of Small Causes for the time being established by law in Calcutta.

"Drug." "Drug" includes medicine for internal or external use.

"House." "House" includes any hut, building, or shed.

"Immoveable property." "Immoveable property" and "land" respectively mean land, benefits to arise out of land, anything attached to the earth, or permanently fastened to anything attached to the earth.

"Land."

"Moveable property." "Moveable property" means property of every description, except immoveable property.

"Local Government." "Local Government" means the Lieutenant-Governor of Bengal for the time being, or the person acting in that capacity.

"Owner." "Owner" includes—

(*a*) the person entitled for the time being to receive the rent of the land in respect of which the word is used;
(*b*) an agent of such person;
(*c*) a trustee for such person.

But no such agent or trustee shall be liable to do anything required by this Act to be done by the owner, nor shall he be subject to any fine for omitting to do such thing, unless he have sufficient funds in his hands as such agent or trustee, to do such thing.

"Public Street." "Public Street" means any road, street, square, court, alley, or passage, whether a thoroughfare or not, over which the public have a right of way, and also the roadway over any public bridge or causeway, and also the footway and drains attached to any street, public bridge (other than the Hooghly bridge), or causeway within the town.

"Street." "Street" means any road, street, square, court, alley, or passage, not included in the definition of public street.

"Railway." "Railway" includes a tramway.

"Schedule." "Schedule" means schedule annexed to this Act.

"Section." "Section" means section of this Act.

"Slaughter-house." "Slaughter-house" means any place used for the slaughter of cows, or bullocks, or sheep, or goats, or pigs, or kids, for the purpose of selling the same as meat.

"The Commissioners." "The Commissioners" mean the Corporation of Calcutta.

"Year." "Year" means a year beginning on the first day of April.

CHAPTER II.

4. The Commissioners of Calcutta shall consist of seventy-five members to be appointed or elected as hereinafter provided, and shall, by the name of the "Corporation of Calcutta," be a body corporate, and have perpetual succession and a common seal, and by such name shall sue and be sued.

The aforesaid number of seventy-five shall not include the Chairman or the Vice-Chairman of the Commissioners in the event of those two officers not being appointed or elected Commissioners under this Act, but in such case the said Chairman and Vice-Chairman shall be *ex-officio* Commissioners.

The said seventy-five members shall be male persons resident in Calcutta, who have attained the age of twenty-one years.

Property to vest in Commissioners for the purposes of this Act. 5. All property, moveable and immoveable, and all interest of whatsoever nature and kind therein now vested in, or held in trust for, the Commissioners of the Town of Calcutta, with all rights of whatsoever description now used, enjoyed, or possessed by the said Commissioners, and all immoveable property situated within the area by this Act included in Calcutta and all interests of whatsoever nature and kind therein now vested in, or held in trust for, the Commissioners of the Suburbs of Calcutta shall become vested in the Commissioners of Calcutta.

Moveable property vested in the Commissioners of the Suburbs to be equitably divided. 6. All moveable property and all interests of whatsoever nature and kind therein now vested in the Commissioners of the Suburbs shall be divided by the Chairman of the Commissioners of Calcutta and the Magistrate of the 24-Pergunnahs between the Commissioners of Calcutta of the North Suburban Municipality and of the South Suburban Municipality in such propor-

tions as seems to them fair and equitable. If in making this division the said officers disagree, or if the Commissioners of the three Municipalities aforesaid are dissatisfied in any respect with the division made, the point or points at issue shall be referred to the Local Government, whose decision shall be final.

Number of Commissioners to be appointed by Government.

7. Of the said seventy-five members, twenty-five shall be appointed by the Local Government immediately after the result of the election hereinafter prescribed shall have been published, and such appointment shall take effect from the date from which such election takes effect.

Number of Commissioners and by whom to be elected.

8. The remaining fifty members shall be elected as hereinafter provided by male persons resident in Calcutta, who shall have attained the age of twenty-one years, and shall be qualified to elect in one of the ways hereinafter specified :—

(*a*) Being the owner of any property in land or houses (not including huts) separately numbered and valued for assessment purposes at not less than Rs. 300 per annum.

(*b*) Being the occupier of any house (not including hut) separately numbered and valued at not less than Rs. 300 per annum.

(*c*) Having taken out a license under clause I, II, or III of the Second Schedule of this Act for the year then current.

(*d*) Having paid carriage or horse-tax to the extent of Rs. 24 for the year then current.

(*e*) Being a fellow or graduate of the University of Calcutta.

9. Persons qualified under clause (*a*) or (*b*) of the last foregoing section shall be entitled to vote in the ward in which the land or house is situated.

Ward in which votes to be given.

Persons qualified under clause (*c*) shall vote in the ward in which the trade or profession in respect of which the license is taken out is carried on. If there is any doubt as to the ward in which the trade or profession is carried on, the Chairman shall decide the ward in which such person shall vote on account of such license.

Persons qualified under clause (*d*) shall vote either in the ward in which they reside, or in the ward in which their chief place of business is situated.

Persons qualified under clause (*e*) shall vote in the ward in which the Senate House of the University is situated :

Provided that no person shall exercise the right of voting more than once in each ward, whatever number of qualifications he may possess in that ward.

Voter when entitled to vote in one ward.

10. If there are joint-owners or occupiers, or more than one owner or occupier of any house or land valued at less than Rs. 600, or joint-sharers or partners in any trade or profession for which a license is taken out under clause III of the Second Schedule, or for which carriage and horse-tax is paid aggregating less than Rs. 50, such persons shall arrange among themselves as to who shall exercise the right of voting in respect to this qualification. If they fail to agree the Chairman shall decide between them, allotting the vote to the claimant who, on account of his being the largest sharer or the managing partner, seems equitably entitled to it.

Voters when entitled to more than one vote in respect of immoveable property.

11. If there are joint-owners or occupiers, or more than one owner or occupier of any house or land valued at Rs. 600 or upwards,
„ 900 ditto,
„ 1,200 ditto,
„ 1,500 ditto,
„ 1,800 ditto,
then any two, three, four, five or six of the persons who are such joint-owners, occupiers, joint-sharers or partners of such premises may vote in respect of the premises jointly owned, occupied or otherwise shared by them, and shall arrange among themselves as to who shall exercise the right of voting. If they fail to agree, or if more claim to vote than are entitled, the Chairman shall decide between the claimants, allotting the votes up to the authorized number to those who appear to enjoy the greatest interest in the property or tenancy.

Voters when entitled to more than one vote in respect of license.

12. If any joint-family, company or firm has taken out a license under clause I or II of the Second Schedule, then four or two of the members of such joint-family, company or firm may vote, agreeing among themselves or referring the matter to the decision of the Chairman as in the last foregoing section.

Voters when entitled to more than one vote in respect of carriage tax.

13. If any joint-family, company or firm has paid carriage or horse tax to the extent of—
Rs. 50 or upwards,
„ 75 ditto,
„ 100 ditto,
„ 125 ditto,
„ 150 ditto,
then any two, three, four, five or six members of such joint-family, company or firm may vote in respect of such payment, agreeing among themselves or referring the matter to the decision of the Chairman.

Qualification of Commissioners.

14. Any person qualified to vote under the preceding sections shall also be qualified to be elected for any ward in Calcutta, provided that his candidature is duly announced and his name duly proposed and seconded in the manner hereinafter prescribed.

For the purpose of election, the town to be divided into wards.

15. For the purpose of the election of Commissioners, the town shall be divided into twenty-five wards, the boundaries of which are defined in the First Schedule.

Each of the wards described in the said schedule may elect two Commissioners.

Every person qualified to exercise the right of voting as hereinbefore provided may give both or either of the two votes to which he is entitled in any one ward to any candidate in that ward.

If ward fails to elect, Local Government may appoint.

16. If the rate or tax-payers of any ward shall fail to elect the number of Commissioners allotted to such ward under the last preceding section, the Local Government shall, in place of such election, appoint one or more Commissioners to complete the number so allotted as aforesaid.

17. If any person is elected a Commissioner for more than one of the said wards, he shall, within five days of the date of the election, choose, or, in default thereof, the Chairman shall forthwith declare the ward for which such person shall serve; and such person shall thereupon be held to be elected in that ward only which he shall so choose, or which the Chairman shall so declare; and thereupon the rate and tax-payers of the other ward or wards in which the said person has been elected a Commissioner shall forthwith proceed to elect another Commissioner in the manner provided by this Act.

Procedure if a person is elected a Commissioner in more than one ward.

18. Where an equality of votes is found to exist between any two candidates at any election under this Act, and the addition of a vote would entitle any of such candidates to be elected a Commissioner, the Chairman may give such additional vote, and the candidate to whom such additional vote has been given shall thereupon be held to be elected a Commissioner.

Procedure in case of equality of votes.

19. The first election under this Act shall take place at the end of the year 1887-88 at such time that the result of the election may be declared on or before the 31st March, and the election shall take effect from the 1st April 1888. Until such election shall take effect, this Act shall be read as if the Commissioners of the Town of Calcutta and the Commissioners elected for those parts of the Suburbs which correspond with wards 19, 20, 21, 22, 23, 24, and 25, as defined in this Act, and the Commissioners for the Suburbs nominated by Government and resident in Calcutta were duly nominated and elected Commissioners under this Act.

Time and manner of election.

All subsequent elections shall take effect from the 1st April in each year at intervals of three years.

Votes at all elections shall be given personally at the polling stations.

The Local Government may from time to time make rules, not being inconsistent with this Act, for the purpose of regulating all matters connected with such elections, and may at any time cancel or modify any of the said rules, and the result of all elections shall be published in the *Calcutta Gazette*.

The Local Government may declare the penalties which shall be incurred by the breach of any such rule, and any person committing a breach of any such rule shall be liable to the penalty so declared: provided that no higher penalty shall be incurred by the breach of any such rule than a fine of fifty rupees.

The expenses of all elections under this Act shall be paid out of the Municipal Fund.

20. At any time during the month of December preceding the election, the Chairman shall cause to be served on the person who pays the rate bills on behalf of the owner of each separately numbered house or plot of land assessed at Rs. 300 and upwards, and on the occupier of each occupied house thus assessed, a notice showing the assessment of the house or land, and the maximum number of persons who may, as owners or occupiers thereof, vote in respect thereof, with space for the insertion of as many names as there may be voters, and calling on them, if they wish to exercise the right of voting in respect of such house or land, to fill in the notice with the names of the persons entitled to vote under section ten or eleven as owners or occupiers, and return this paper to the municipal office on or before the 15th January.

Registration of votes.

The Chairman shall, during the first 15 days of January, prepare in his office a list of all the firms or persons entitled to vote under clause (*c*) and clause (*d*) of section eight.

All persons claiming the right of voting under clause (*e*) shall at any time after the 1st December and before the 15th January submit an application preferring a claim to vote, and, if graduates of the University, stating the year in which the degree was conferred upon them.

21. From the returns thus made, from the list drawn up in his office, and from the applications of fellows and graduates of the University, the Chairman shall draw up and publish on or before the 31st January, at the Municipal Office, a list of the persons qualified to vote in each ward of Calcutta.

Publication of list of voters.

Within 15 days after the publication of such list any person whose name has been omitted, who considers himself entitled to a vote in any ward, or any person objecting to any name in the list as that of a disqualified person, may apply to the Chairman to insert his name or remove the name of the person whom he deems to be disqualified, and the Chairman shall consider and decide such application or objection with reasonable expedition.

22. Any person deeming himself to be qualified to vote at an election, whose name is omitted from the list referred to in the last foregoing section, may, in case the Chairman shall refuse to insert his name in such list, apply to a stipendiary Magistrate of Police for the Town of Calcutta, within eight days after such refusal, for an order to have his name inserted in such list, and such Magistrate shall, after enquiry, make such order as to the insertion or omission of the name of the applicant as shall be just; and such order, if it directs the insertion of the name of the applicant in such list, shall be forthwith obeyed by the Chairman. The order of such Magistrate made under this section shall not be appealable.

Appeal from decision of Chairman.

The list thus prepared and amended shall remain valid for all bye-elections under section twenty-six during the interval of three years: provided that at any time between the occurrence of a vacancy and the date fixed for the bye-election, any person whose name is not in the list, and who deems himself qualified, may apply to the Chairman to enter his name in the list, and sections twenty-one and twenty-two shall be held applicable to such claim.

23. No election shall be deemed to be invalid, or shall be in any way affected by reason of the name of any person duly qualified as aforesaid being omitted from the said list, or by reason of the name of any person not duly qualified as aforesaid being inserted therein; and no election shall be deemed to be invalid by reason only of any defect of form in the conduct thereof.

Erroneous omission or entry does not affect election.

Term for which members to be appointed or elected.

24. The Commissioners shall be appointed or elected, as the case may be, for a term of three years. At the expiration of that time they shall cease to be members of the said Corporation, but shall be eligible to be again appointed or elected members of the Corporation for a further term or terms:

Provided that if owing to any cause the new Commissioners are unable to enter upon their duties by the 1st April, the old Commissioners shall continue to exercise their functions till the result of the election is published.

Preparation of list of candidates.

25. The election shall be held on some convenient day, to be fixed by the Local Government, not being earlier than the 1st or later than the 15th March. Every person qualified to be elected, who shall desire to be a candidate for election, shall send in his name to the Chairman in writing on any date not later than the 25th February, together with the name of two electors who propose and second his candidature, and shall state the ward or wards for which he proposes to stand. The Chairman shall publish a list of such candidates at the Municipal Office not later than the last day of February.

Disqualification of members. Successors how appointed.

26. No person shall be qualified to be, or to continue to be, a member of the said Corporation who is, or becomes, at the time or during the term of his appointment or election, a bankrupt or insolvent, or who is interested (otherwise than as a shareholder in a joint stock company) in any contract with the Corporation; and no person who is absent from Calcutta for six months consecutively, or who shall be sentenced to imprisonment, shall be qualified to continue to be such member.

In case of the death, resignation, or disqualification as aforesaid of any member of the said Corporation, his successor shall be forthwith appointed or elected in the manner hereinbefore provided, and such successor shall remain a member of the said Corporation for the residue only of the term for which the member so dead, resigned, or disqualified was orginally appointed or elected:

Provided that no act of the Commissioners or their officers, or of the Commissioners in meeting, shall be deemed to be invalid by reason only that the number of the Commissioners did not amount to seventy-five at the date of the performance of such act.

Penalty for taking bribe.

27. Whoever, being qualified to vote, or claiming to be qualified to vote, at any election under this Act, accepts or obtains, or agrees to accept or attempts to obtain, for himself or for any other person, any gratification whatever, as a motive or reward for giving or forbearing to give his vote in any such election, shall be liable to a fine not exceeding one hundred rupees for every such offence, and shall for ever be disqualified from voting at any such election, and from being elected a member of the said Corporation.

Penalty for giving bribe.

And whoever, by any gift or reward, or by any promise, agreement, or security for any gift or reward, corrupts or procures, or offiers to corrupt or procure, any person to give or forbear to give his vote in any such election, shall be liable to a fine not exceeding five hundred rupees for every such offence, and shall for ever be disqualified from voting at any such election, and from being electing a member of the said Corporation.

Application of municipal property and funds.

28. All property vested in the Corporation, and all funds received of raised by them in accordance with the provisions of this Act, shall be applicable to the purposes expressly authorized by this Act.

Objects to which municipal property and funds shall be applicable.

29. The purposes expressly authorized by this Act shall be held to include the objects connected with the public safety, health, instruction and convenience hereinafter specified; that is to say:—

Public Safety.

(1) Payment of the whole or of any portion of the cost of the Fire Brigade for the extinction of fires in Calcutta.

(2) Provision for lighting the public streets, places, and buildings, and for the securing or removal of dangerous places, buildings, and trades.

Public Health.

(1) Defraying the cost of the maintenance of hospitals and of charges of vaccination, registration of births, deaths, and marriages, and taking a census.

(2) Construction and maintenance of public markets and slaughter-houses, latrines, privies, depôts for the deposit or discharge of night-soil, urinals, drains, sewers, drainage-works, water-works, wash-houses, public baths, bathing-ghats, drinking-fountains, tanks, wells, squares and gardens, reclamation of unhealthy localities, and the like.

(3) Cleansing and watering of streets, sewers, scavenging, removal of noxious vegetation, and generally the abatement of all nuisances.

(4) Regulation of offensive trades, and burial and burning grounds, and the removal of and providing sites for the same.

Public Instruction.

The construction and repair of school-houses, and the establishment or maintenance of schools either wholly or by grant-in-aid.

Public Convenience.

(1) Construction, maintenance, and alteration of streets, bridges, causeways, culverts, and the like; regulation of buildings, naming streets and numbering houses, planting trees, and removal of obstructions and projections.

(2) Erection and maintenance of public halls, offices, police-stations, lock-ups, and other buildings under the control of the Corporation, or required for municipal or police purposes.

(3) Survey of houses and preparation of plans.

(4) Defraying the cost incurred in doing honour to distinguished visitors or on occasions of public rejoicing or mourning or in procuring portraits or statues of distinguished persons:

Provided that no expense shall be incurred under this clause without the previous sanction of the Local Government.

And generally all objects connected with the public safety, health and convenience.

PART II.—*Of the duties of the Corporation.*

Duties of Commissioners.

30. It shall be the duty of the Commissioners, and they are hereby required to—

(1) provide for the payment of the interest on the municipal debt in the manner prescribed by section three hundred and thirty-eight and three hundred and thirty-nine;

(2) provide for the establishment of a reserve fund in the manner prescribed by the said sections;

(3) complete and extend throughout Calcutta under-ground drainage works and open out and improve bustees, and for these purposes to expend annually a sum, being not less than two lakhs of rupees, or, with the sanction of the Local Government, any sum less than the above amount to be raised as provided by section three hundred and thirty-four;

(4) maintain a water-supply in the manner and to the extent mentioned in Chapter VII;

(5) make adequate and suitable provision for the cleaning and the conservancy of the municipality, and to provide such funds as may be necessary for that purpose.

Local Government may appoint a Commission.

31. If it shall appear to the Local Government that the Commissioners have failed to make adequate and suitable provision for the cleaning and the conservancy of the municipality to an extent likely to be prejudicial to the health of the inhabitants thereof, the Local Government may, by notification in the *Calcutta Gazette*, appoint a Commission, consisting of three persons, of whom one shall be the Sanitary Commissioner for Bengal, or the Senior Medical Officer of the Presidency, the second shall be appointed by the Commissioners in meeting within thirty days of the date of the said notification, or, in their default, by the Local Government, and the third by the Local Government; and the Local Government shall order the members of the said Commission to report within a certain time, to be fixed by the Local Government, whether they are of opinion that the cleaning and the conservancy of the municipality are defective to an extent likely to be prejudicial to the health of the inhabitants thereof, and, if they shall be of such opinion, to specify in their report what further provision should be made for the cleaning and the conservancy of the municipality up to the end of the year then current, or of the year next succeeding, as may be directed by the Local Government, and to submit an estimate of the cost of the said further provision.

In default of Commissioners, Local Government may carry out recommendation contained in report of the Commission.

32. On receipt of the said report, the Local Government shall forward the same for the consideration of the Commissioners, and if the Commissioners shall decline to carry out the provisions recommended therein, the Local Government may order that such provisions, or any of them, or any portion of them, respectively, be carried out; and thereupon it shall be the duty of the Commissioners to comply with such order, and to provide the funds mentioned in the said estimate, or such portion thereof as the Local Government may fix; and the Chairman shall forthwith carry out such order, and shall defray the cost of carrying out the same from the Municipal Fund, notwithstanding any power conferred on the Commissioners by section fifty-six, or anything to the contrary contained in any other provision of this Act:

Provided that, if there is a difference of opinion among the members of the said Commission, the opinion and report of the majority of the said members shall be held to be the opinion and report of the Commission.

PART III.—*Of the Officers of the Corporation.*

Appointment and removal of Chairman of the Commissioners.

33. The Local Government shall from time to time appoint a proper person to be Chairman of the Commissioners.

Such Chairman may be removed from office by the Local Government if his removal be recommended by a resolution in favour of which not less than two-thirds of the Commissioners present at a special general meeting of the Commissioners shall have voted, but not otherwise.

Appointment of Vice-Chairman.

34. The Commissioners, at a special general meeting to be held for that purpose, may from time to time appoint, for such period as they may think fit, a proper person to be Vice-Chairman of the Commissioners.

Such appointment shall be subject to the approval of the Local Government.

Appointment of Secretary, Engineer, Surveyor, Health Officer, Collector of Taxes, and Assessor.

35. The Commissioners may, at a special general meeting from time to time, appoint proper persons, for such period as they may think fit, to the several offices of Secretary, of Engineer, of Surveyor, of Health Officer, of Collector of Taxes, and of Assessor for the municipality, or may appoint a proper person to two or more of such appointments, or to one.

Every person so appointed, and also the Vice-Chairman, shall reside within the limits of the municipality, and shall in all things be under the immediate orders of the Chairman, and shall perform such duties, as shall be assigned by him, and may be removed by the Commissioners by a resolution in favour of which not less than two-thirds of the Commissioners present at a special general meeting shall have voted, and another person may be appointed in his place.

All appointments and resolutions under this section shall be subject to the approval of the Local Government.

Chairman and Vice-Chairman to reside in Calcutta, and not to engage in any other profession or trade.

36. The Chairman and Vice-Chairman shall reside within the limits of the municipality, and each of them shall devote his whole time to the duties of his office; and no Chairman or Vice-Chairman shall have or engage in any other profession, trade, or business whatsoever: Provided that—

(*a*) Any Civil or Military Officer in the service of the Government may hold the office of Chairman or Vice-Chairman, so long as such officer shall fill no other appointment than those specified in this section.

(*b*) The Chairman may also hold the office of Commissioner as interpreted in section 1 of Bengal Act No. V of 1870 (*to appoint Commissioners for making Improvements in the Port of Calcutta*).

(*c*) The Chairman may also be a member of the Council of the Lieutenant-Governor of Bengal for making laws and Regulations.

(*d*) The Vice-Chairman may, with the sanction of the Local Government, be appointed to, and may hold any other office in the employ of the Commissioners to which he may be appointed at a special general meeting.

Allowances of Chairman and Vice-Chairman.

37. The Chairman and the Vice-Chairman respectively may receive such allowances out of the Municipal Fund as shall be, from time to time, fixed by the Commissioners at a special general meeting.

Such allowance shall be—

(*a*) for the Chairman not more than three thousand or less than two thousand five hundred rupees a month (exclusive of house-rent, which may or may not, in the discretion of the Commissioners, be allowed):

(*b*) for the Vice-Chairman not more than twelve hundred rupees a month.

All resolutions passed by the Commissioners under this section shall be subject to the approval of the Local Government.

Salaries of Secretary, Engineer, &c.

38. Every Secretary, Engineer, Surveyor, Health Officer, Collector of Taxes, and Assessor appointed as hereinbefore provided may receive such allowance out of the Municipal Fund as shall be from time to time fixed by the Commissioners at a special general meeting.

All resolutions passed by the Commissioners under this section shall be subject to the approval of the Local Government.

Appointment and remuneration of Overseers, Clerks, and Subordinate Officers.

39. The Chairman may from time to time appoint all such Overseers, Clerks, Subordinate Officers and servants as he shall think necessary and proper to assist in carrying out this Act, and may from time to time remove any of such persons and appoint others in their place;

and may, with the sanction of the Commissioners in meeting, pay out of the Municipal Fund such allowances to the said persons respectively, or in case of absence on leave, such portion thereof as he shall think reasonable: provided that the allowances of the offices filled by the said persons shall have been sanctioned in meeting.

But no person shall be appointed to, or removed from, any office, the monthly salary of which exceeds two hundred rupees, without the sanction of the Commissioners in meeting.

Commissioners to grant leave of absence, &c., with sanction of Government.

40. The Commissioners may in meeting, with the sanction of the Local Government, grant such leave of absence to the Chairman or any officer appointed under sections thirty-four and thirty-five, and may, if such officer be other than the Chairman, make such arrangements for carrying on the duties of his office during his absence on leave as shall to them seem proper.

In any case in which leave of absence shall be granted to the Chairman, the Local Government shall appoint one of the Commissioners to act as Chairman in his place, or shall make such other arrangements for carrying on the duties of the office as to it shall seem proper.

Any person appointed under this section to act for the Chairman or any other officer shall while so acting, have all the powers and be liable to all the restrictions, limitations, and provisions, which the Chairman or other officer for whom he may be appointed to act would, under this Act, have or be liable to.

Allowances during absence on leave.

41. In any case in which leave of absence shall be granted under the last preceding section, the Commissioners may in meeting, by a resolution in favour of which not less than two-thirds of the Commissioners present at the meeting shall have voted, with the sanction of the Local Government, out of the Municipal Fund, pay to the Chairman or other officer aforesaid such allowance during absence on leave as shall to them seem proper.

Commissioners may make rules for pensions and gratuities to their officers and servants.

42. The Commissioners may in meeting, by a resolution in favour of which not less than two-thirds of the Commissioners present at such meeting shall have voted, from time to time make rules for pensions and gratuities to be granted, and to be paid out of the Municipal Fund, their officers and servants, and may repeal, alter, or add to such rules. No rule, and no repeal, or alteration of, or addition to, any rule, shall have effect until the same has been confirmed by the Local Government and published in the *Calcutta Gazette*.

The Commissioners may in meeting, from time to time, in accordance with such rules for the time being in force, grant such pensions or gratuities to any of their officers or servants as to the Commissioners may seem fit.

Officers, &c., not to be interested in contracts made with the Commissioners.

43. No Chairman or Vice-Chairman, or other officer or servant of the Commissioners, shall be interested directly, or indirectly, in any contract made with the Commissioners, and if any such person be so interested, he shall become incapable of continuing in office or in employment as such Chairman, Vice-Chairman, or other officer or servant, and shall forfeit and pay the sum of five hundred rupees, which may be recovered by suit brought by or on behalf of the Commissioners:

Provided that no person shall, by reason of being a shareholder in, or a member of, any incorporated or registered company, be deemed interested in any contract entered into between such company and the Commissioners.

Penalty on officers, &c., taking unauthorized fees.

44. If any person employed under this Act (not being a public servant within the meaning of section 21 of the Indian Penal Code) shall accept or obtain, or agree to accept or attempt to obtain, from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a reward for doing, or forbearing to do, any official act;

or for showing or forbearing to show, in the exercise of his official functions, favour or disfavour to any person, or for rendering or attempting to render any service or disservice to any person, with the Commissioners or with any public servant, or with the Government as such, he shall be punished with imprisonment, either simple or rigorous, as provided in section 53 of the Indian Penal Code, for a term which may

extend to three years, or with a fine not exceeding five thousand rupees, or with both.

PART IV.—*Of the mode of transacting business and entering into Contracts.*

Commissioners to provide an office and keep a book for entry of complaints.

45. The Commissioners shall provide and keep an office within the limits of the municipality, and shall at such office, and during all days of business keep open a book in which shall be entered all reasonable complaints made, orally or by letter, by any inhabitant, or the owner or occupier of any house or land within the limits of the municipality, of any matter cognizable by the Commissioners; and the proper officer of the Commissioners shall forthwith enquire into the truth of all such complaints, and report thereon to the Commissioners; and such report shall be entered in the said book, and such book shall be open, at all reasonable times, to any inhabitant, or owner or occupier of any house or land within the limits of the municipality.

Time for holding quarterly meetings.

46. There shall be four quarterly meetings in every year, at which the Commissioners shall meet for the transaction of general business.

The quarterly meeting shall be held in the months of April, July, October, and January, or in any month to which the quarterly meetings first called for the months of April, July, October and January may be adjourned.

Business at ordinary and quarterly meetings.

47. The Commissioners shall, from time to time, as occasion may require at a special general meeting to be convened for that purpose, or at some adjournment thereof, fix and determine the kind of business that may be transacted at the said quarterly meetings: and no business, save such kind of business, shall be transacted at such meetings:

But the Chairman may postpone the discussion of any question that may be raised at any such meeting, and refer the determination thereof to a special general meeting to be convened within fourteen days thereafter.

Special general meetings may be called.

48. The Chairman or, in his absence, the Vice-Chairman, may, whenever he thinks fit, and shall, upon a requisition made in writing by any ten Commissioners, call a special general meeting of the Commissioners.

Previous to any such meeting, at least five days' clear notice, specifying the time and place of such intended meeting, and the purpose for which it is to be held, shall be given by advertisement in at least two of the daily newspapers published in Calcutta.

What business to be transacted at special general meetings.

49. No business shall be brought before, or transacted at, any special general meeting other than the business specified in the notice given under the last preceding section:

Provided that any Commissioner may submit to a special general meeting any resolution beyond the matters mentioned in the notice given of such meeting, if he shall have given not less than two clear days' previous notice of his intention so to do, by leaving a copy of the resolution at the office of the Commissioners.

All questions to be decided at meetings by majority of vote.

50. All acts authorized or required to be done by the Commissioners, and all questions which may come before them for decision, shall, save as is herein otherwise provided, be done, and decided by, a majority of the Commissioners voting at the meeting before which the matter may be brought.

Who to preside at meetings.

51. The Chairman and Vice-Chairman shall attend all meetings of the Commissioners held under this Act, unless prevented by sickness or other reasonable cause; and the Chairman or, in his absence, the Vice-Chairman shall preside at every such meeting and shall have a second or casting vote in all cases of equality of votes.

In the absence of both the Chairman and Vice-Chairman, the Commissioners present at any meeting shall choose some one of their number to preside, who shall, in case of equality of votes, have a second or casting vote.

The President of any meeting at which a quorum of the Commissioners shall be present, may, with the consent of the meeting, adjourn the meeting from time to time, and from place to place; but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which such adjournment took place.

What shall constitute quorum.

52. No business shall be transacted at any meeting unless a quorum of eighteen Commissioners be present at such meeting.

Provided that, if at any meeting there shall not be a sufficient number of Commissioners present to form a quorum as above mentioned, the President (whether he be the Chairman or not) shall adjourn the meeting to such convenient time and place as he shall think fit; and the business which should have been brought before the original meeting, had there been a quorum present, shall be brought before and disposed of by the adjourned meeting in the usual manner, whether there be a quorum present at such adjourned meeting or not:

Provided also that no business shall be brought before an adjourned meeting, unless there are at least ten Commissioners present at such adjourned meeting.

Minutes of proceedings of meetings to be kept, and to be open for inspection.

53. Minutes of the proceedings of all meetings shall be drawn up and fairly entered in a book to be kept for that purpose, and shall be signed by the President after each meeting; and minutes of each meeting shall be laid on the table at the next subsequent meeting, and the said minutes shall, at all reasonable times, be open at the office of the Commissioners to the inspection of any Commissioner without charge, and of any other person on payment of a fee of eight annas.

Declaration by President that a resolution has been carried.

54. At any special general or quarterly meeting, unless a poll be demanded by at least five Commissioners, a declaration by the President that a resolution has been carried, and an entry to that effect in the book of proceedings of the Commissioners shall, for the purposes of this Act, be sufficient evidence of the fact, without proof of the number or pro-

portion of the votes recorded in favour of or against such resolution.

Poll how to be taken.

55. If a poll be demanded as in the last preceding section mentioned the votes of all the Commissioners present who desire to vote shall be taken under the direction of the President, and the result of such poll shall be deemed to be the resolution of the Commissioners at such meeting.

Chairman or Vice-Chairman to attend daily for the transaction of business and to exercise the powers of the Commissioners.

56. The Chairman or Vice-Chairman shall, except upon such holidays as shall be allowed by the Government, and unless prevented by sickness or other reasonable cause, attend daily at the office of the Commissioners for the transaction of business connected with or arising under this Act, and when so attending shall have all the powers vested by this Act in the Commissioners; and they may respectively exercise the like powers at all times in carrying out the orders of the Commissioners, or in executing any work sanctioned by them, and generally in the management of the business of the municipality:

Provided that no Chairman or Vice-Chairman shall act in opposition to, or in contravention of, any order passed by the Commissioners at a meeting or of any vote of the Town Council or of a Committee appointed under section 60 until the matter has been brought before the Commissioners in meeting, or exercise any power which by this Act is directed to be exercised only by the Commissioners in meeting.

Mode of contracting by, and on behalf of the Commissioners.

57. The Commissioners may enter into and perform all such contracts as may be necessary for carrying this Act into effect.

Every contract made on behalf of the Commissioners in respect of any sum exceeding one thousand rupees, or in respect of any property exceeding one thousand rupees in value, shall be in writing, and signed by the Chairman (or, in his absence, by the Vice-Chairman) and two other Commissioners, and shall be sealed with the seal of the Commissioners, and no such contract, unless made by the Commissioners in meeting other than an ordinary meeting shall be concluded without inviting tenders thereon and without the approval of a Committee of the Commissioners.

Unless so executed, it shall not be binding on the Commissioners.

The Commissioners may compound with any contractor or other person in respect of any penalty or damages incurred by reason of the non-performance of any contract entered into as aforesaid, whether such penalty be mentioned in any such contract or otherwise, for such sums of money or other recompense as to the Commissioners may seem proper.

Election and appointment of Town Council.

58. As soon as may be, and not later than 1st June in each year, the Commissioners shall proceed to appoint a Town Council for the year, the members of which shall hold office till the election and appointment of their successors.

The Town Council shall consist of 15 Commissioners, of whom 10 shall be elected in the following manner:

The 25 wards shall be divided into 5 groups—

Wards Nos.	1	to	4.	
,, ,,	5	,,	9.	
,, ,,	10	,,	14.	
,, ,,	15	,,	19.	
,, ,,	20	,,	25.	

The Commissioners elected for each of these groups shall elect two of their number to be members of the Town Council. If the elected Commissioners of any group fail to elect as aforesaid before the 1st May in any year, the Commissioners in meeting shall proceed to elect so many Commissioners not already elected members of the Town Council as are necessary to complete the number of the Council to be elected.

As soon as practicable after the election of ten Town Councillors, the Lieutenant-Governor shall appoint five of the Commissioners to be Town Councillors to complete the number of 15.

Duties of Town Council.

59. The Town Council shall ordinarily meet once a week for the transaction of business. It shall be the Budget and Finance Committee of the Corporation, and shall also transact such other business as may be expressly referred to it by the Corporation, or as may not be referred to any other general or special committee.

A fee of Rs. 20 shall be paid to each member of the Town Council for each attendance at a meeting of the Council.

The proceedings of the Town Council shall be submitted to the Commissioners in meeting, and the Town Council shall be bound by any resolution passed by the Commissioners in meeting:

Provided that when the Chairman and the majority of the Town Council are in accord, and inconvenience is likely to result from delay, it shall not be necessary before action is taken to wait for the confirmation of the Commissioners in meeting, but if the Commissioners in meeting fail to confirm the action of the Town Council, such steps shall be taken to carry out the orders of the Commissioners as may still be practicable.

The Chairman and Vice-Chairman shall be *ex-officio* members of the Town Council, and the Chairman, or, in his absence, the Vice-Chairman shall preside at its meetings, but no fee shall be paid to either of these officers for their attendance.

Appointments of general and special committees.

60. The Commissioners in meeting may, from time to time, appoint from among the Commissioners such other Committees either general or special, and consisting of so many members as they may think fit for the purpose of enquiring into and reporting upon any matter connected with the conservancy or improvement of the municipality not assigned by this Act, or by the vote of the Commissioners in meeting to, the Town Council, or for the purpose of advising or aiding the Chairman or Vice-Chairman in the discharge of any portion of the duties exerciseable by them under section fifty-six, which in the discretion of the Commissioners would be better regulated or managed with the aid of such Committee.

Provided that the Chairman or Vice-Chairman shall be a member of such Committee.

Duties of Committees.

61. The proceedings of every such Committee shall be submitted to the Commissioners in meeting,

and the Committee shall be bound by such order as may be passed therein, provided that when the Chairman and the majority of the Committee are in accord, and when inconvenience is likely to result from delay, it shall not be necessary before taking action to wait for the confirmation of the Commissioners in meeting, but if the Commissioners in meeting fail to confirm the action of the Committee, such steps shall be taken to carry out the orders of the Commissioners as may still be practicable:

Provided that if the Commissioners in meeting when appointing a Committee expressly prohibit any action being taken until the decision of the Committee has been confirmed in general meeting, no action shall under any circumstances be taken prior to such confirmation.

Power of Committees to appoint Sub-Committees.

62. The Town Council or any other Committee may appoint such Sub-Committees as they may think fit, and make over to them such duties and functions as they may deem proper.

Power to frame rules for conduct of business.

63. The Commissioners in meeting may frame rules not inconsistent with this Act for the conduct of business at special general or quarterly meetings, and also for the conduct of business at meetings of the Town Council or at meetings of other Committees.

PART V.—*Of the Estimates of Income, Expenditure, and Audit.*

A budget or estimate of income and expenditure to be submitted annually to the Commissioners.

64. At a special general meeting to be held in the month of February in each year, the Chairman shall lay before the Commissioners a budget or estimate, prepared by him, of the income and expenditure of the Commissioners for the year commencing on the first day of April then next succeeding, in such detail and form as the Commissioners shall from time to time, by order passed at a general meeting direct.

Such budget shall be completed and printed, and a copy thereof, as far as may be practicable, sent by post or otherwise to each of the Commissioners resident within twenty miles of Government House, at least seven days prior to the meeting before which the budget is to be laid.

Budget of expenditure.

65. The budget shall show what expenditure it is proposed to incur during the period to which it relates, and the manner in which it is proposed to meet such expenditure:

Provided that nothing contained in this section shall preclude the Town Council from sanctioning expenditure not provided for in the budget.

66. Such budget shall be referred to the Town Council for consideration with such instructions as the Commissioners in meeting may think fit to pass when making such reference. The Town Council shall consider such budget, modify it at it discretion, and report upon it in time for consideration at the meeting to be held for fixing the rates in the month of March:

Provided that no new work or series of works, the entire estimated cost of which is Rs. 50,000, shall be commenced (though included and passed in the budget) without the sanction of the Local Government.

Accounts to be audited and examined.

67. The accounts of the receipts and expenditure of the Commissioners shall be audited and examined at least once in every year at such time and by such auditors as shall, from time to time, be appointed by the Local Government.

Powers of auditors.

68. For the purposes of any audit and examination of accounts under this Act, the auditors may, by summons in writing, require the production before them of all books, deeds, contracts, accounts, vouchers, and all other documents and papers which they may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, documents, or papers, to appear before them at any such audit and examination, or adjournment thereof, and to make and sign a declaration with respect to the same.

Penalty.

69. If any such person neglect or refuse to make or sign such declaration, or to produce any such books, deeds, contracts, accounts, vouchers, documents, or papers, or to make or sign such declaration, he shall be liable, for every neglect or refusal, to a fine not exceeding one hundred rupees, and to a further fine not exceeding seventy rupees for each day during which the offence is continued after he has been convicted of such offence.

Remuneration of auditors.

70. All auditors acting under this Act shall, in respect of each audit, be paid out of the Municipal Fund such reasonable remuneration as the Commissioners in meeting shall from time to time determine.

Ten days' notice of audit to be given.

71. Before each audit and examination of accounts, the Commissioners shall give ten days' notice of the time and place at which the same will be made by advertisement in at least two of the daily newspapers published in Calcutta; and a copy of the accounts to be audited and examined shall be deposited in the office of the Commissioners and be open during office hours thereat to the inspection of all persons interested for seven days before the audit and examination, and all such persons shall be at liberty to take copies of, or extracts from, the same, without the payment of any fee, and within fourteen days after the audit and examination shall have been completed, the auditors shall report upon the accounts audited and examined, and shall deliver such report to the Commissioners at a meeting, who shall cause the same to be deposited in the office of the Commissioners, and to be published in the *Calcutta Gazette*.

Passing of budget and fixing of rates.

72. At a special general meeting to be held in the month of March in each year, the Commissioners shall consider the budget as modified by the Town Council, and shall pass it subject to such further modifications or additions as may be thought fit. The Commissioners shall thereupon at the same meeting (or adjourned meeting) fix, with reference to the budget as passed, the rates at which the rates and taxes hereinafter mentioned shall be imposed for the years commencing on the 1st April next ensuing, and the rates so fixed shall not

be altered before the special general meeting held in the next succeeding month of March, except by a resolution of the Commissioners in special general meeting.

CHAPTER III.

OF TAXES.

PART I.—*Of the Tax on Carriages and Animals.*

Tax on carriages and animals.

73. A tax at a rate not exceeding the rates specified in the second schedule shall be imposed upon all carriages and animals kept within the limits of the municipality, and shall be payable in advance. But it shall not be imposed on—

(*a*) animals belonging to officers doing regimental duty at the Presidency, at the rate of one animal for each Officer;

(*b*) animals exempt from any municipal tax under section 25 of the Indian Volunteers' Act, 1869;

(*c*) carriages or animals belonging to the Government or to the Commissioners;

(*d*) carriages, the wheels of which do not exceed twenty-four inches in diameter;

(*e*) animals under eleven hands in height;

(*f*) carriages kept for sale by *bonâ fide* dealers in such carriages and not used for any other purpose;

(*g*) animals used by, or in, any cavalry regiment, or by the Police Force.

Owners of carriages, &c., to take out license.

74. The person in possession of every carriage or animal kept within the town shall, on or before the first day of April and the first day of October in each year, forward to the office of the Commissioners a statement in writing signed by him, containing a description of the carriages and animals in his possession liable to the tax.

Such person shall at the same time pay to the Commissioners such sum as shall be payable by him for the half-year commencing on the first day of April or October (as the case may be) for the carriages and animals specified in such statement, according to the rates given in the second schedule.

Any person becoming possessed between the first day of April and the first day of October, or between the first day of October and the first day of April, of any carriage or animal so kept shall, within a week of becoming so possessed, send to the office of the Commissioners a similar statement, together with the amount payable for the whole of the then current half-year, according to the rates specified in the second schedule.

The Commissioners may, if they are satisfied that any such carriage or animal has been kept for only a portion of the then current half-year, remit the whole, or such portion thereof as they may think fit, of the amount so payable.

For the purposes of this section, a livery stable-keeper shall be deemed to be possessed of every animal in his stables.

On payment of tax, Commissioners to grant license.

75. Whenever any person shall pay to the Commissioners the amount of the tax which, under the two last preceding sections, shall be payable by him in respect of all carriages and animals kept within the town, the Commissioners shall grant to such person a license to keep within the town such carriages and animals during the current half-year ending upon the first day of April or the first day of October which shall occur next after the grant of such license, and no longer.

Penalty.

76. Whoever keeps or is in possession of any carriage or animal without the license required by the two last preceding sections shall be liable to a fine not exceeding three times the amount payable by him in respect of such license, exclusive of the amount so payable.

Commissioners may compound for carriages with livery stable-keepers and others.

77. The Commissioners, at their discretion, may compound, for any period not exceeding one year, with livery stable-keepers and other persons keeping carriages for hire, or animals for sale or hire, for a certain sum to be paid for the carriages or animals so kept by such persons in lieu of the taxes specified in the second schedule.

Penalty.

78. Whoever, having compounded for the payment of a certain sum under the last preceding section, refuses to pay such sum, shall be liable to a fine not exceeding three times the amount payable by him in respect of such composition, exclusive of the amount so payable.

Power to compel production of the books of livery stable-keepers.

79. The Commissioners may, by a notice in writing under their common seal, require any person who shall carry on the trade or business of a livery stable-keeper to produce, for the inspection of the Commissioners, or of any officer authorized by them in that behalf, all books and accounts relating to the business of a livery stable-keeper carried on by such person.

Power to inspect stable, &c., and to summon persons liable to the payment of the tax.

80. The Commissioners, or any person authorized by them in that behalf, may, at any time between sunrise and sunset, enter and inspect any stable or coach-house, or any place wherein they may have reason to believe that there is any carriage or animal liable to taxation; and the Commissioners may summon any person whom they have reason to believe to be liable to the payment of any tax under sections seventy-three and sevetny-four or any servant of such person, and may examine such person or servant as to the number and description of the horses and carriages in respect of which such person is liable to be taxed.

Penalty.

81. Whoever neglects or refuses to comply with a notice served under section seventy-nine, and whoever hinders or obstructs the Commissioners or any person appointed by them from, or in entering or inspecting any stable coach-house, or place in the manner provided in the last preceding section, shall be liable a fine not exceeding one hundred rupees.

List of persons licensed to be entered in a book.

82. The Commissioners shall from time to time cause to be prepared and entered in distinct columns, in a book to be kept

at the office of the Commissioners and to be open to the inspection of any person who shall apply for leave to inspect the same, a list of the persons to whom during the then current period of six months a license has been granted under section seventy-five, and of the carriages and animals in respect of which the same has been granted.

PART II.—*Of the tax on Profession, Trades, and Callings.*

Persons exercising certain professions, trades, and callings in the town, to take out a license.

83. Every person who shall within the town exercise any of the professions, trades, or callings specified in the third schedule shall yearly take out a license, and shall pay for the same such sum as in the third schedule mentioned.

The Commissioners may in their discretion remit any portion of the sum so payable if they are satisfied that any such person has exercised any such profession, trade, or calling for a portion of the year only.

License to be granted by Commissioners and to specify particulars.

84. The license mentioned in the last preceding section shall be granted by the Commissioners, or by some person authorized by them in that behalf, and shall specify—

the date of the grant thereof,

the name of the person to whom the license is granted,

the profession, trade, or calling for which the license is granted, and the sum paid for such license.

Such license shall have effect and continue in force from the commencement of the year in which it is granted until the thirty-first day of December next after the day of the granting thereof, and no longer.

Penalty for exercising trade or profession without a license.

85. Whoever exercises any trade, profession, or calling without the license required by section eighty-three shall be liable to a fine not exceeding three times the amount payable by him in respect of such license, and unless the amount so payable shall have been paid before conviction, not being less than such amount. And such fine shall, when levied, be taken in full satisfaction of the demand on account of such license.

Chairman or Vice-Chairman to classify all persons required by this Act to be licensed.

86. The Chairman, or some other officer authorized by him in that behalf, shall determine under which of the classes mentioned in the third schedule every person to whom a license may be granted shall be assessed, and the Chairman may in his discretion remit the payment of license-tax either in whole on in part to any person classified under clauses 5 or 6 of the third schedule :

Provided that nothing in this section shall relieve any person who is bound to take out a license for his liability to do so, after ascertaining by application, if necessary, the class under which his license should be taken out.

Appeals against assessment of licenses.

87. Any person may, within fourteen days of the date of his being informed by printed notice of the class under he has been assessed as determined in the last preceding section, appeal against such assessment by delivering at the office of the Commissioners an application in writing stating the grounds of appeal ; and such appeal shall be heard and determined by not less than three Commissioners other than Executive Officers of the Commissioners.

No such appeal shall be heard unless the amount of the license assessed as aforesaid has been deposited with the Commissioners.

If no appeal be made within the time limited as aforesaid, the decision of the Chairman or Vice-Chairman shall be final.

Commissioners may require list of persons in any house.

88. The Commissioners may, by a notice in writing under their common seal, require the occupier of any house to forward to them a list in writing signed by him of the names of all persons residing in such house, and of their respective professions, trades, and occupations.

Penalty.

89. Whoever, being the occupier of any house, fails to forward such list when required to do so under the last preceding section, shall be liable to a fine not exceeding one hundred rupees.

Chairman to prepare a list of all persons required by this Act to be licensed.

90. As soon as may be after the first day of April in every year, the Chairman shall prepare a list of the persons licensed under sections eighty-three and eighty-four which shall state—

the profession, trade, or calling of every such person therein named,

the class under which he is assessed,

and the sum paid by him in respect of his license,

and such list shall be kept in the office of the Commissioners and be open to public inspection at all reasonable times.

PART III.—*Of the Registration of Carts.*

Registry and numbering of carts.

91. Every cart kept or used within the limits of the municipalities of Calcutta and Howrah shall be registered in the office of the Commissioners with the name and residence of the owner, and shall have affixed thereto the number of such registration in such manner as the Commissioners shall direct.

Penalties.

92. Whoever keeps or is in possession of a cart not duly registered as required by the last preceding section shall be liable to a fine not exceeding three times the amount payable by him in respect of such registration, exclusive of the amount so payable ; and whoever, being the owner or driver of any cart, shall fail to affix the registration number required bp the last preceding section shall be liable to a fine not exceeding five rupees.

Fee for registration.

93 The registration of carts under the last preceding section shall be made, and the numbers assigned half-yearly on or after the first day of April and the first day of October in each year, upon such days as the Commissioners shall appoint, and a fee of four rupees shall be paid for each registration.

The Commissioners may in their discretion remit any portion of the fee so payable if they are satisfied that the cart hereinbefore required to be registered has been kept or used, as in the last preceding section mentioned, for a portion of the half-year only.

When any registered cart is transferred within any half-year, it shall be registered anew in the name of the person to whom it has been transferred; and a fee of four annas shall be paid for every such last-mentioned registration.

The total net proceeds of the fees half-yearly received by the Commissioners for the registration of carts shall be divided between the Municipalities of Calcutta and Howrah, and such other Municipalities adjacent to Calcutta or Howrah as the Lieutenant-Governor shall think entitled to a share in such receipts in such proportion as the Lieutenant-Governor may from time to time determine.

Last three sections not to apply to certain carts.

94. The three last preceding sections shall not apply to carts—

(*a*) which are the property of the Government;

(*b*) which are the property of the Commissioners of Calcutta or Howrah, or of any adjacent Municipalities;

(*c*) or which are kept at any place more than eight miles distant from Government House and are only temporarily and casually used within the Municipality of Calcutta and Howrah.

On failure to register, the Commissioners may seize and sell cart and animals.

95. If any person owns or keeps any cart hereinbefore required to be registered, without having caused the same to be registered, the Commissioners, or any officer authorized by them in that behalf, may seize such cart (provided the same be not employed at the time of the seizure in the conveyance of passengers or goods), together with the animals or cattle drawing the same, and may detain them.

And all Police Officers shall, on the application of the Commissioners or their officers, as aforesaid, seize and detain any such cart, animals, or cattle.

If the cart, animals, or cattle so seized be not claimed within ten days, they may be sold by auction by order of the Justice of the Peace, or Magistrate, and the proceeds of such sale may be applied to the expenses incurred on account of the seizure, detention, and sale; and the surplus (if any), if not claimed within a further period of twenty days, shall be paid to the Municipal Fund of Calcutta.

PART IV.—*Of the Storage of Petroleum.*

Levy of tax on Petroleum.

96. The Commissioners may, with the previous sanction of the Local Government, levy a tax not exceeding four annas a case on all petroleum brought within the limits of Calcutta for storage or consumption within such limits.

CHAPTER IV.

OF RATES.

PART I.—*Of imposing the rates.*

Rates.

97. The Commissioners shall, as provided in section seventy-one, impose upon all houses and land within the town the following annual rates, which shall be calculated on the annual value of the said houses and land—

(*a*) a house-rate not exceeding ten per centum;

(*b*) a water-rate not exceeding six per centum when the houses and land are situated in streets supplied with filtered water in the manner provided by section one hundred and thirty-seven, and not exceeding five per centum when the houses and lands are situated in streets not so supplied;

(*c*) a conservancy rate not exceeding three per centum.

(*d*) a lighting rate not exceeding two per centum.

Rates by whom and when payable.

98. The house-rate shall be payable by the owners of the houses and land.

The water-rate shall (save as is provided in sections one hundred and six and one hundred and seven) be payable by the occupiers of the houses and land.

The conservancy and lighting rates shall (save as is provided in section one hundred and seven) be payable by the occupiers of the houses and land.

All the rates hereinbefore mentioned shall be payable by quarterly instalments.

The house-rate shall be payable on the first of July, the first of October, the first of January, and the 1st of April for the quarters immediately preceding those dates.

The water-rate shall (save as is provided in section one hundred and six) be payable in advance on the dates above mentioned for the current quarter.

The conservancy and lighting-rates shall be payable in advance on the dates above mentioned for the current quarter.

PART II.—*Of the Owner's Rate.*

If assessment be made at a higher annual value than the amount paid by the occupier, owner may recover difference from him.

99. If the annual value of any house or land as assessed under Chapter V shall in any case exceed the amount of rent payable by the occupier to the owner, the owner may in such case recover from the occupier the difference between the sum assessed upon him and the sum at which he would have been assessed had he been rated only upon the amount of rent actually payable to him, and such difference shall be added to the rent payable by the occupier, and shall be recoverable by the owner from him.

Remission of house-rate when house vacant.

100. Where any house or land whereon the rates is assessed under Chapter V has been vacant for six consecutive days during any year, the person assessed to the said rate shall be entitled to a remission of so much thereof, not exceeding one-half of the rate for that year, as shall be proportionate to the number of days such house or land has been vacant, if notice shall have been given in writing to the Commissioners of such house or land being vacant; and the date of vacancy shall be calculated from the date of the delivery of such notice at the office of the Commissioners.

No remission unless application be made within six months from vacancy.

101. No remission shall be made under the last preceding section unless the same shall be applied for within six months from the date of cessation of occupation

of the house or land on account of which the remission is applied for.

PART III.—*Of the Occupier's Rate*

Refund of water-rate when house ceases to be occupied.

100. Whenever any quarterly instalment of water-rate shall have been paid in respect of any house or land, and such house or land shall, during the quarter for which such instalment shall have been paid, cease to be occupied, the person who shall have paid such water-rate shall be entitled to be repaid by the Commissioners three-fourths of such sum as shall bear to the amount paid by him the same proportion which the residue of the quarter bears to an entire quarter, if notice shall have been given in writing to the Commissioners of such house or land being vacant, and the date of vacancy shall be calculated from the date of the delivery of such notice at the office of the Commissioners.

Refund of conservancy and lighting-rates when house ceases to be occupied.

101. Whenever any quarterly instalment of the conservancy and lighting-rates and night-soil fees shall have been paid in respect of any house or land, and such house or land shall, during the quarter for which such instalment shall have been paid, cease to be occupied, the person who shall have paid such instalment shall be entitled to be repaid by the Commissioners such sum as shall bear to the amount paid by him the same proportion which the residue of the quarter bears to an entire quarter, if notice shall have been given in writing to the Commissioners of such house or land being vacant; and the date of vacancy shall be calculated from the date of delivery of such notice at the office of the Commissioners.

No refund of rates unless application made within six months from vacancy.

102. No refund of rates or fees shall be made under the two last preceding sections, unless the same is applied for within six months from the date of cessation of occupation of the house or land on account of which the refund is applied for.

Rate payable on house or land becoming occupied.

103. Whenever any house or land which shall have been unoccupied shall be occupied during any quarter, there shall be forthwith payable in respect of such house or land such amount of the water, conservancy and lighting-rates and night-soil fees as shall bear to the entire quarterly instalments of the said rates and fees for such house or land the same proportion as the residue of such quarter after such house or land shall be occupied bears to an entire quarter.

Person subletting to different persons to be deemed occupier.

104. Whenever any person holding any house or land at a rent from the person liable to pay the house-rate has or may sublet the same to different persons holding in severalty, the person so holding shall, for the purposes of this Act, be deemed to be the occupier of such house or land.

Occupier paying water-rate to deduct one-fourth from rent due to owner.

105. Whenever the person from or by whom the water-rate shall have been recovered or paid shall not be the owner of the house or land in respect of which the water-rate shall have been assessed, such person may recover from the owner of such house or land one-fourth of the water-rate so paid by deducting the same from the rent payable by him to such owner.

When house or land unoccupied, owner to pay one-fourth of water-rate.

106. Whenever any house or land has been unoccupied during an entire quarter, the owner of the said house or land shall pay to the Commissioners one-fourth of the sum which would have been payable as water-rate by the occupier if such house or land had been occupied.

The sum payable by the owner under this section shall be payable on the first of July, the first of October, the first of January, and the first of April, for the quarters immediately preceding those dates.

Power to assess owners in certain cases.

107. If any house is occupied by more than one person holding in severalty, or is of less assessed annual value than two hundred rupees, the Commissioners may impose the water, conservancy, and lighting-rates upon the owner of such house, or upon the owner of the land on which such house is situated.

Owner to recover from occupier water-rate paid by owner.

108 If the water-rate is paid by the owner of any house or land under the last preceding section, such owner may, if there be but one occupier of the house, recover from such occupier three-fourths of the rate so paid by such owner;

and if there be more than one occupier, he may recover from each occupier three-fourths of such sum as shall bear to the entire amount of rate so paid by him the same proportion as the value of the portion of the house in the occupation of such person bears to the entire value of such house.

Owner to recover from occupier police and lighting-rates paid by owner.

109. If the conservancy and lighting-rates are paid by the owner of any house or land under section one hundred and seven, such owner may, if there be but one occupier of the house, recover from such occupier the entire amount of the rates so paid by such owner;

and if there be more than one occupier, he may recover from each occupier such sum as shall bear to the entire amount of rates so paid by him the same proportion as the value of the portion of the house in the occupation of such person bears to the entire value of such house.

Owner to have same power for recovering rates as for recovering rent.

110. Every owner who, under the provisions of the two last preceding sections, may be entitled to recover any sum from the occupier of any house or of any portion thereof, shall have for the recovery of such such sum all such and the same remedies, powers, rights, and authorities as if such sum were rent payable to him by the occupier in respect of such portion of the house as may be in his occupation.

Occupier of house or land may be required to furnish name of owner.

111. The Commissioners may require the occupier of any house or land to furnish them with the name and address of the owner of such house or land, and such name and address when so received shall be duly entered in the 'assessment book' kept under section one hundred and sixteen.

On failure occupier liable to owner's rates.

"If the occupier of any house or land shall refuse or neglect to furnish the information so required of him, he shall be liable to pay the rates payable by the owner on account

of such house or land, and on non-payment thereof, the Commissioners may recover the same by distress and sale of any moveable property found in the house or on the land.

"Provided that no arrear of rate which has remained due from the owner of any house or land, for more than one year, shall be so recovered from the occupier thereof."

CHAPTER V.

OF THE ASSESSMENT OF HOUSES AND LAND.

Annual value of house or land how to be ascertained.

112. The estimated gross annual rent at which any house or land liable to rate under this Act might reasonably be expected to let from year to year shall, for the purposes of any rate to be imposed under this Act, be held and be deemed to be the annual value of such house or land.

The value of land so estimated shall not include the value of any machinery thereupon:

Provided that all the unoccupied land, roads, and slopes of the Port Commissioners shall be rated at the rent for which the said land, roads, or slopes might be reasonably expected to let, in the same manner as if the said land, roads, and slopes were used for other than public purposes, and belonged to persons other than a public body, save and except the road extending from the northern boundary of the premises occupied by the East Indian Railway Company at Armenian Ghât to the Chitpore Canal, and the road extending from the Chitpere Road to the river Hooghly at Comartollah Ghât, for a width not exceeding seventy feet and sixty feet respectively, which shall be exempted from assessment of any rate under this Act.

Annual value to be assessed by the Commissioners, assessment to remain in force for six years.

113. All assessments made by the Commissioners prior to the commencement of this Act shall remain in force during the period for which they were so made, and on the expiration of such assessments, the annual value at which any house or land is to be assessed shall be fixed by the Commissioners, and such house or land shall be assessed upon the value so fixed for six years from the date on which it is so fixed.

When substantial improvement made, Commissioners may re-assess.

114. If during the currency of any period mentioned in the last preceding section, any substantial alteration and improvement is made to any such house or land, the Commissioners may cause such house or land to be again assessed, even though such period has not expired, and such last-mentioned assessment shall be in force, and the rate shall be imposed according to it until the expiration of the said period of assessment.

When substantial injury done Commissioners may re-assess.

115. If, during the currency of any period mentioned in section one hundred and thirteen, any such house or land shall receive substantial injury through fire, cyclone, the act of God, or civil commotion, or suffers material depreciation from any cause proved to the satisfaction of the Commissioners to have been beyond the control of the owner or occupier thereof, the Commissioners shall as soon as practicable, on application being made to them in writing by the owner or occupier of such house or land, cause such house or land to be again assessed, even though the current period of assessment has not expired, and such last mentioned assessment shall be in force, and the rate shall be imposed according to it, until the expiration of the said period of assessment:

Provided that if any substantial alteration and improvement shall be made, prior to the expiration of the said period of assessment, to the house or land which shall have been again assessed as aforesaid, the Commissioners may cause such house or land to be again assessed as under section one hundred and fourteen.

Annual value assessed to be entered in a book.

116. The annual value assessed by the Commissioners as hereinbefore provided shall be entered in a book to be kept at the office of the Commissioners, wherein shall also be written in distinct columns—

(*a*) the name of the owner;

(*b*) the name of the occupier, if the occupier is the person liable to pay the rate;

(*c*) a designation of the property sufficient to identify the same, together with the name and number of the street (if any) in which it is situated;

(*d*) the amount of the rate assessed thereon; and

(*e*) the amount of the rate assessed on the house and on the land respectively, whenever any rate is payable by the owner of the land, and the said owner is not the owner of the house situated on the said land.

The book required to be kept under this section is hereinafter called the "assessment book."

When the name of the owner or occupier is not known, it shall be sufficient to designate him in the assessment book as the "owner" or "occupier."

New valuation or measurement to be made.

117. The Commissioners shall from time to time make a valuation or measurement of all houses and land within the limits of the municipality, and for such purpose may divide the municipality into such and so many districts as they may think fit, and proceed to make a separate valuation or measurement district by district, and shall enter the same in the assessment book.

Returns may be required for purpose of valuation.

118. The Commissioners may require the owner or occupier of any house or land to furnish them with returns of the measurements and of the rent or annual value thereof; and the Commissioners, or any person authorized by them in that behalf, may at any time between the hour of seven in the forenoon and sunset enter on, and inspect, survey, and measure such house or land after giving a notice in writing of not less than twenty-four hours.

Penalty.

119. Whoever refuses or fails to furnish any such return for the space of one week from the day on which he shall have been required so to do, or knowingly makes a false or incorrect return, and whoever hinders, obstructs, or prevents any Commissioner, or any person appointed by the Commissioners as aforesaid, from entering or inspecting or measuring any such house or land,

shall be liable to a fine not exceeding two hundred rupees for every such offence.

Public notice of valuation and measurement to be given.

120. When the valuation or measurement of any of the districts of the municipality into which it may have been divided by the Commissioners shall have been completed, the Commissioners shall give public notice thereof, and of the place where the assessment book, or a copy thereof, may be inspected, by advertisement in at least two of the English daily newspapers, and in two Vernacular newspapers, published in Calcutta, and also by placards posted up in conspicuous places throughout such district of the municipality;

and the person in whose custody the assessment book may be shall permit every person, being the owner or occupier of any house or land included in the assessment or measurement, or the agent of such owner or occupier, to inspect the book and to make extracts therefrom without payment of any fee, and every person, not being such owner or occupier to inspect and make extracts, in like manner, on payment of a fee of one rupee.

Notice when valuation made for first time or increased.

121. The Commissioners shall, in all cases in which any house or land is for the first time assessed, or in which the valuation or measurement of any house or land previously assessed is increased, give special notice thereof to the owners or occupiers of the same, and when the valuation is increased as aforesaid, the said notice shall state the grounds of such increase.

Appeals.

122. Appeals against any assessment made by the Commissioners under this Chapter shall lie—

(*a*) to not less than three Commissioners, other than executive officers of the Commissioners; or

(*b*) to Court of Small Causes.

In any case of an appeal to the Court of Small Causes, under this section, the said Court may follow the procedure laid down in sections three hundred and fifty-five and three hundred and fifty-six.

Notice to be given by person appealing.

123. Any person desiring to appeal against any assessment made under this Chapter, shall, within fifteen days of the publication of the notice referred to in section one hundred and twenty, deliver at the office of the Commissioners a notice in writing stating the grounds of appeal, and also informing the Commissioners whether he intends to appeal under clause (*a*) or (*b*) of the last preceding section.

No appeal shall lie as hereinbefore provided unless the amount of the house-rate for one quarter, under the assessment about to expire, has been deposited with the Commissioners.

and unless the appeal is preferred by the person who at the time the appeal is made shall be recorded in the said book as the owner of the house or land to which the appeal refers, or by the occupier thereof, or by the agent of either of them.

Notice of day for hearing appeals.

124. The Commissioners shall give notice a day, not being less than fifteen days from the publication of such notice, when they will proceed to hear the appeals under clause (*a*) of section one hundred and twenty-two,

Every appeal under clause (*b*) of the said section shall be presented to the Small Cause Court within seven days from the date of the delivery of the notice at the office of the Commissioners under the last preceding section.

Assessment by Commissioners when to be final.

125. The assessment by the Commissioners of any rate, when no appeal therefrom is made as hereinbefore provided, and the adjudication of any appeal under the two last preceding sections shall be final and conclusive.

Assessment to be entered in assessment book.

126. The assessments made by the Commissioners subject to such alterations as may from time to time thereafter be duly made on appeal, shall be entered in the assessment book, and the rate calculated on the said assessment shall, subject to such alterations as aforesaid, be deemed to be the rate for the whole period for which the assessment is made, and this period shall be calculated from the commencement of the quarter next succeeding that in which any such amendment shall be so authenticated; and until such date the old assessment shall continue in force, notwithstanding that the period for which the old assessment was made may have expired.

Alteration or amendment of assessment.

127. The Chairman or Vice-Chairman may at any time amend the assessment book by inserting therein the name of any person whose name ought to be so inserted, or by inserting any house or land liable to the rate, after giving notice to any person interested in the making of the amendment of a day, not being less than fifteen days from the date of the service of such notice when such amendment is te be made; or by striking out the name of any person, or any house or land not liable to the rate, or reducing the amount of the assessment without notice:

and if any amendment shall be made in cases where notice is required, the same shall be deemed to have been made on the expiration of fifteen days after service of the said notice; and any person interested in such amendment may appeal by application in writing to the Commissioners, to be left at their office three clear days before the day fixed in the said notice for such amendment; and the provisions of sections one hundred and twenty-two, one hundred and twenty-three, one hundred and twenty-four, and one hundred and twenty-five shall, so far as may be practicable, apply to such appeal.

New assessment book need not be prepared every six years.

128. It shall not be necessary to prepare a new assessment book at the expiration of each period of assessment, but the Commissioners in meeting may adopt the valuation or measurement and assessment contained in any assessment book for any previous period, with such alterations as may in particular cases be deemed necessary, as the valuation or measurement and assessment for the period next following:

Provided that sections one hundred and eighteen to one hundred and twenty-six (both inclusive) shall, as far as may be practicable, be applicable to such valuation or measurement and assessment and to the assessment book or books in which it is contained.

CHAPTER VI.

OF LEVYING THE RATES.

Bills to be presented.

129. When any rate is due, the Commissioners shall cause to be presented to the person liable to the payment thereof a bill for the sum due, which shall also contain a statement of the period and a description of the property for which the rate is charged :

Provided that, whenever any rate is payable by the owner of the land, and the said owner is not the owner of the house situated on the said land, the assessement on the land and on the house shall be separately entered in the said bill.

Notice of demand.

130. If the bill is not paid by the person liable to pay the same within seven days from the presentation thereof, the Commissioners may cause to be severed upon such person a notice of demand in the form contained in the fourth schedule, or to the like effect ; and, if he shall not within seven days from the service of such notice of demand, pay the sum due, or show sufficient cause to the satisfaction of the Commissioners for non-payment of the same, such sum, with all costs, may be levied by distress and sale of the moveable property of the defaulter, or if the defaulter be the occupier of any house or land in respect of which a rate is due, by distress and sale of any moveable property found on the house or land, under a warrant in the form contained in the fifth schedule, or to the like effect, to be issued for that purpose by the Commissioners.

Distress.

For every notice of demand under this section which the Commissioners shall cause to be served upon any person, a fee, not exceeding one rupee, shall be paid by such person.

Such fee shall be added to the amount of the rate in respect of which the notice is given, and, if not duly paid, shall be levied in the same manner as such rate may be levied.

Inventory—notice of distress.

131. The officer charged with the execution of a warrant of distress under the last preceding section shall make an inventory of the moveable property seized under such warrant, and shall at the time give a notice in writing in the form contained in the sixth schedule, or to the like effect, to the person in possession thereof at the time of the seizure, that the said moveable property will be sold as therein mentioned.

Sale.

132. If the warrant is not in the meantime discharged or suspended by the Commissioners, the moveable property seized shall be sold under the orders of the Commissioners, who shall apply the proceeds, or such part thereof as may be necessary, in discharge of the said arrears and costs ;

and the surplus, if any, shall be returned on demand to the person in possession of the moveable property at the time of the seizure.

All sales of property under this section shall so far as may be practicable, be regulated by the procedure now in force, or hereafter to be in force, in the Court of Small Causes with respect to sale after distress.

Fees shall be payable upon distraints under this Act accordingly to the rates set forth in the table of fees in the sixth schedule.

All officers and servants of the Corporation are prohibited from purchasing any property at any such sale.

Goods of defaultes, wherever found, may be distrained.

133. The moveable property of any person from whom any rate is due may be distrained, wherever the same may be found, for default in payment of the money due from him.

Rate due from owner may be recovered from occupier, and deducted by him from his rent.

134. If the sum due on account of any rate from the owner of any house or land remains unpaid after notice of demand has been duly served, the Commissioners may demand the amount from the occupier for the time being of the house or land, and on non-payment thereof, may recover the may recover the same by distress and sale of any moveable property found on the house or land, and, in such case, the occupier may deduct, from the next and following payments of his rent, the amount which may be so paid by, or recovered from, him :

Provided that no arrear of rate which has remained due from the owner of any house or land for more than one year shall be so recovered from the occupier thereof.

Distress not unlawful for want of form.

135. No distress levied under this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the notice, schedule, summons, notice of demand, warrant of distress, inventory, or other proceeding relating thereto, nor shall such party be deemed a trespasser on account of any irregularity committed by him ; but all persons aggrieved by such irregularity may recover full satisfaction for any special damage sustained by them in any court of competent jurisdiction.

Commissioners may sue, instead of proceeding by distress.

136. Instead of proceeding by distress and sale, or in case of failure to realize by distress and sale the whole or any part of the sum due in respect of any rate, the Commissioners may sue the person liable to pay the same in any court of competent jurisdiction.

CHAPTER VII.

OF THE WATER-SUPPLY.

The Commissioners to provide water-supply.

137. The Commissioners shall as soon as practicable provide a supply of water within all parts of the municipality, and shall for that purpose cause such mains and pipes to be laid, and such tanks, reservoirs, or other works to be made and constructed, as shall be necessary for the supply of filtered water in all the chief public streets of the municipality, and shall also erect, in all such streets, sufficient and convenient stand-pipes or pumps for the gratuitous use of the inhabitants of the municipality for domestic purpose.

The said stand-pipes or pumps shall as soon as practicable be so placed that there shall not be any portion of any such chief street at a greater distance than one hundred and fifty yards from some such stand-pipe or pump.

138. A supply of water for domestic purposes shall not include a supply of water for animals, or for washing carriages, where such animals or carriages are kept for sale or hire, or a supply for any trade, manufacture, or business, or for fountains, or for watering gardens or roads, or for any ornamental or mechanical purpose.

What are not domestic purposes.

139. The Commissioners shall, between the hours of six in the forenoon and nine in the afternoon, so far as may be reasonably practicable, keep and maintain in their pipes and mains a sufficient supply of filtered water under a pressure of not less than ten feet for the domestic use of the rate-payers, and shall daily, from the hour of seven in the forenoon to nine in the forenoon, and from the hour of five in the afternoon to six in the afternoon, maintain a pressure of water in the service pipes and mains sufficient to raise the water in all houses and places in which the same may be introduced to a height of not less than thirty feet.

Pressure at which water must be kept.

140. The Commissioners may supply water through a meter, for purposes, other than domestic purposes, provided that the person requiring such supply make application to the Commissioners in writing, specifying the purpose for which such supply is required, and the quantity likely to be consumed.

Supply for business.

The Commissioners may thereupon, subject to such charges or rates as may have been fixed by the Commissioners in meeting, lay down, or allow to be laid down, the necessary communication-pipes and works, of such dimensions and character as may be fixed by the Commissioners.

141. The occupier of every house shall be entitled to have, free of further charge, fifteen hundred gallons of filtered water for every rupee paid to the Commissieners as water-rate on account of such house, to be supplied from the service pipes of the Commissioners for domestic use, through a ferrule of such size as the Commissioners may determine. If the Commissioners have reason to believe that the occupier of any house consumes more filtered water than he is entitled to as aforesaid, it shall be lawful for the Commissioners to provide a water-meter at their own expense, and attach the same to the water-pipes of the said house; and any water which may be used over and above the quantity to which the occupier is entitled as aforesaid shall be paid for by him, at the rate of one rupee for every fifteen hundred gallons;

Householder entitled to certain supply of water domestic use.

Provided that no charge shall be made by the Commissioners for unfiltered water supplied under the next succeeding section.

Nothing contained in the first clause of this section shall apply to houses assessed at less than twelve hundred rupees per annum.

142. It shall be at the option of the Commissioners to provide filtered or unfiltered water for all latrines and water-closets; wherever and filtered water has been already supplied to such latrines or water-closets, it shall be lawful for the Commissioners, at their own expense, and not otherwise, to stop the supply of filtered water, and in lieu thereof to provide unfiltered water for such latrines and water-closets.

Commissioners may provide filtered or unfiltered water for latrines.

143. All latrines and water-closets now supplied, or hereafter to be supplied, with water filtered or unfiltered, shall be provided with a cistern of such size and description as the Commissioner shall direct; and all such cisterns shall be put up at the cost of the owner of the house or land so supplied with water.

All latrines to be provided with cisterns.

144. Every person paying the water-rate herein before mentioned shall be entitled to lay down communication-pipes, from the service pipes of the Commissioners for bringing into his house or land a reasonable supply of water for domestic use; provided that the Commissioners shall be at liberty to cut off the supply of water to any house or land during the time the said house or land is unoccupied.

Communication-pipes, &c., to be made of required dimensions and at expense of house-holder.

The communication-pipes leading the water from the service pipes of the Commissioners into the house of any rate-payer, and the pipes and works within the house connected therewith, shall be of such character, dimensions, and material as the Commissioners shall fix and approve; and shall be made and constructed at the expense of the person requiring the same.

145. The communication-pipes and all fittings thereon leading water from the service pipes of the Commissioners into any house or land, and the pipes, works, and fittings inside the house or land, must in all cases be executed subject to the inspection and to the satisfaction of the Commissioners.

Communication-pipes, &c, must be made to satisfaction of officer of the Commissioners.

Such communication-pipes, works, and fittings may be made by the servants and workmen of the Commissioners upon such terms as may be agreed upon between the Commissioners and the person requiring the supply, or subject to such charges as may be fixed by the Commissioners;

and the Commissioners may require the amount necessary for the execution of such works to be paid or deposited before such works are executed;

and such charges and expenses shall be recoverable in the same manner as the water-rate.

146. The officer authorized inthat behalf by the Commissioners may, between the hours of seven in the forenoon and five in the afternoon, enter into or on any house or land supplied with water as aforesaid in order to examine all pipes, works, and fittings connected with the supply of water, and to ascertain if there be any waste or misuse of such water;

Power to enter premises.

and if such officer at any such time be refused admittance into such house or land for the purposes aforesaid, or be prevented from making such examination as aforesaid, the Commissioners may forthwith turn off the water from such house or land:

Provided that nothing hereinbefore contained shall authorize an entry into any room appropriated for the zenana or residence of women, which by the custom of the country is considered private, unless a notice in writing of not less than four hours be given.

When pipes are out of repair, Commissioners may turn off water.

147. In the event of any pipes, works, or fittings connected with the supply of water to any house or land being at any time found on examination by any officer of the Commissioners authorized in that behalf to be out of repair to such an extent as to cause any waste of water, the Commissioners may cause the water to be turned off from such house or land, after giving notice in writing of not less than twenty-four hours, and may recover the expense incurred for turning off the water from the occupier of such house or land.

Water may be cut off on neglect to pay the rate.

148. If any person supplied with water shall shall neglect to pay the water-rate hereinbefore mentioned at any of the times of payment thereof, or the charge made for the said water when supplied for other than domestic purposes, the Commissioners may turn off the water from the house or land in, respect of which such rate or charge is payable by cutting off the pipe to such house or land, or by such means as the Commissioners may think fit, and may recover the expense of turning off the water from such person:

Provided that the stopping or cutting off the the supply of water shall not relieve any person from any penalties or liabilities which he may otherwise have incurred.

Occupier in whose house water is wasted liable to penalty.

149. The occupier of any house or land in which water supplied by the Commissioners under this Act is, from negligence or other circumstances under the control of the said occupier wasted, or in whose house or land the pipes, works, and fittings for the supply of water shall be found to be out of repair to such an extent as to cause any waste of water, shall be liable to a fine not exceeding twenty rupees.

Person causing waste of water liable to penalty.

150. Any person causing waste of water supplied by the Commissioners shall be liable to a fine not exceeding five rupees.

Commissioners at their discretion may allow person outside the town to take water.

151. It shall be within the discretion of the Commissioners to allow any person not residing within the limits of Calcutta to take or be supplied with water for his domestic use on such terms as the Commissioners in meeting, other than an ordinary meeting, may from time to time prescribe. And any person taking or causing to be taken for use outside the limits of the municipality water supplied by the Commissioners, without the permission of the Commissioners, shall be liable to a fine not exceeding fifty rupees.

Penalty.

Person executing any work for laying on water must hold a license from the Commissioners.

152. It shall not be lawful for any person to execute any work in connection with the lying on of water from any service pipes of the Commissioners to any house or land unless he shall hold a license from the Commissioners authorizing him to act as a plumber under such rules and regulations as the Commissioners may from time to to time lay down, and which shall be printed on the back of his license. Any person licensed by the Commissioners as a plumber, who shall infringe or break any rules or regulations under which he holds his license, shall be liable to have his license at once cancelled by the Commissioners, shall also be liable to a fine not exceeding twenty rupees.

Penalty.

Owner or occupier when not entitled to demand a connection with the Commissioners' service pipes.

153. Any owner or occupier of any house or land who shall cause or allow works, pipes, or fittings for the supply of water from the service pipes of the Commissioners to be executed by any person other than a plumber licensed by the Commissioners shall not be entitled to demand a connection with the Commissioners' service pipes.

Before connection, Engineer of the Commissioners to cause all works and pipes to be inspected.

154. Before a connection for the supply of water from the service pipes of the Commissioners to any house or land is sanctioned by the Commissioners, the Engineer of the Commissioners shall cause all the works, pipes, and fittings within the said house or land to be inspected by a duly qualified officer; and the cost of such inspection shall be payable in advance at such rates as the Commissioners in meeting, other than an ordinary meeting, shall from time to time direct, by the person applying for the said connection; and until the Engineer of the Commissioners shall have certified that the said works, pipes, and fittings have been executed and put up in a satisfactory manner, a connection with the Commissioners' service pipes shall not be permitted.

Connection with service pipes to be executed only by an officer of the Commissioners.

155. The connection with the service pipes of the Commissioners, as also the lying of supply pipes under any public road or thoroughfare, shall be executed by an officer of the Commissioners authorized in that behalf and by no other person; and the expense of making such connection shall be payable in advance by the person applying for the same at such rates as the Commissioners in meeting, other than an ordinary meeting, shall from time to time direct.

Penalty on licensed plumber who executes works badly.

156. If any licensed plumber shall execute any works or put up any fittings within any house or land for the supply of water from the pipes of the Commissioners in a careless and negligent manner, or make use of bad materials or fittings, the said licensed plumber shall be liable to a fine not exceeding twenty rupees, and upon a third conviction shall be liable to have his license cancelled at the discretion of the Commissioners.

Obstructing or diverting water.

157. Any person who shall unlawfully flush, draw off, divert, to take water from any water-work belonging to, or under the management or control of, the said Commissioners, or from any water or streams by which such water-works are supplied, shall be liable to a fine not exceeding one hundred rupees.

Power to require owner to provide works for water supply.

158. Any occupier holding direct from the owner of any house may, by notice in writing, signed by him, require the owner of such house to perform all such necessary works as may be required for bringing into such house a supply of water for domestic use.

Every such notice shall contain an agreement on the part of such occupier to pay interest at the rate of one per centum per mensem, calculated from the date of the completion of the works,

on the cost of such works during the residue of his term of occupation:

Provided that, if the house and the premises belonging thereto shall not abut upon some street in which there is a supply-main, such occupier shall, in the agreement, undertake to pay the cost of connecting the house with the nearest supply-main.

Power to occupier to make works in default of owner.

159. If any owner shall not, within the space of three months from the service of such notice as is mentioned in the last preceding section, cause such necessary works as aforesaid to be completed, the occupier, who shall have given such notice, may cause the same to be completed, and may deduct from the rent payable by him the cost of such works save so much of such cost as may be incurred in connecting with a supply-main any house and premises belonging thereto which may not abut upon a street in which there may be a supply-main; and such deduction shall be made by six equal monthly instalments.

Interest on each such instalment shall be payable to the owner by the occupier at the rate of one per centum per mensem, from the time when it shall have been so deducted.

What works to be made for a house.

160. The supply of water to a house shall not be deemed sufficient for domestic use, unless it provides two taps in each floor of such house, one other such tap in the cook-room of or attached to such house, and one other such tap, in the premises, or in or near the stables belonging to such house, and the necessary works for such taps.

But if the annual rent of such house, with the land attached thereto, shall be less than three hundred rupees, it shall be sufficient to provide one tap only within the said premises, and the necessary works for the same.

Estimate and specification of works to be sent.

161. No works for introducing a supply of water to any house shall be commenced by the owner without sending such specification and estimate of the cost thereof to the occupier nor by the occupier without sending such specification and estimate to the owner.

Power to refer to arbitration.

162. In case there shall be any difference between the owner and the occupier respecting the cost or the sufficiency of the proposed works, either the owner or the occupier may refer such difference to the Commissioners, and the written award of the Engineer of the Commissioners, or of any officer authorized by them in that behalf, shall be binding on the owner and the occupier.

Fee on reference.

163. There shall be payable to the Commissioners in respect of every such reference a fee at the rate of two rupees for every hundred rupees of the monthly rent of the house or land in respect of the water-supply to which the difference may have arisen:

Provided that such fee shall in no case exceed ten rupees, and shall be paid by the person making the reference.

Owner to keep works in repair.

164. Except in the case of a special agreement to the contrary, the owner of any house or land shall bear the expense of keeping all works connected with the supply of water to such house or land in substantial repair:

Provided that nothing in this section shall affect the liabilities of parties under leases executed or made previous to the commencement of this Act.

Power of recovery by owner of sums payable.

165. Any owner to whom any sum is payable under sections one hundred and fifty-eight and one hundred and fifty-nine may recover such sum from the person liable to pay the same as if the same were rent payable by such person for the house, in respect of which the expenses have been incurred.

Tanks, &c., vested in the Commissioners.

166. All public tanks, reservoirs, cisterns, wells, acqueducts, conduits, tunnels, pipes, pumps, and other water-works, whether made, laid, or erected at the cost of the Commissioners or otherwise, and all bridges, buildings, engines, works, materials, and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank, shall become vested in the Commissioners.

Water fouled by offensive trades.

167. If any person being the proprietor of any gas-works,

or being engaged or empoyed in the manufacture or supply of gas,

or being the occupier or owner of any place where an offensive trade or manufacture is carried on,

wilfully does any act connected with the said business whereby the water in any stream, tank, reservoir, well, cistern, conduit, acqueduct, or other water-works belonging to the Commissioners is fouled or corrupted, the Commissioners may, after twenty-four hours' notice in writing, lay open and examine any pipes, conduits, and works belonging to such person:

and if, upon such examination, it appears that the water has been fouled or corrupted by anything proceeding from, or contained in, the pipes, conduits, or works examined, the expenses of such examination shall be paid by the person to whom such pipes, conduits, or works belong, or under whose management or control they may be;

but if it appear that the water has not been so fouled or corrupted, then such expenses, and all damages occasioned by the examination, shall be paid by the Commissioners.

Application of rates and moneys received from the supply of water.

168. The water-rate and all moneys collected, received, or recovered for or in respect of the supply of water or the execution of works, and all fines connected herewith, or in any respect relating to the water-supply, shall be applied by the said Commissioners in defraying the expense of making, extending, or maintaining the water-works,

in paying the interest of money borrowed for the water-works,

and in the liquidation of debts incurred in connection herewith, or for some other purpose connected with the supply of water.

CHAPTER VIII.

OF THE CONSERVANCY RATE.

Conservancy rate to be credited to house-rate fund.

169. The proceeds of the conservancy rate shall be credited to the same fund as the

proceeds of the house-rate, and shall be used so far as they will suffice for defraying the expenses of the conservancy of Calcutta.

CHAPTER IX.

OF THE SYSTEM OF DRAINAGE FOR THE TOWN AND ITS ENVIRONS.

Commissioners to drain the town.

170. The Commissioners may carry out such a complete system of sewerage and drainage within the municipality as they may think fit, subject to the approval of the Local Government, and to such alterations as may from time to time be ordered by it.

CHAPTER X.

OF THE REGISTRATION OF BIRTHS AND DEATHS.

Commissioners may keep a register of births and deaths, and appoint registrars.

171. The Commissioners shall keep in their office a register of all births and deaths in the municipality, and for this purpose shall divide the municipality into such and so many districts as they shall think fit, and for every such district shall appoint a person to be a registrar of births and deaths within such districts; and the Commissioners shall at each burning ghât and native burial-ground appoint a sub-registrar for the registration of all corpses brought to such burning ghât or burial-ground, for cremation or interment.

Every registrar to live in his district; list of registrars to be published, &c.

172. Every registrar shall dwell within the district of which he is registrar, and every sub-registrar shall dwell in the vicinity of the burning ghât or native burial-ground for which he is appointed; and they shall cause their names, with the addition of registrar for the district, or sub-registrar for the burning ghât or native burial ground for which they shall be so appointed, to be placed in some conspicuous place on or near the outer door of their own dwelling-houses; and the Commissioners shall cause to be printed and published a list containing the name and place of abode of every registrar and sub-registrar in the town.

Commissioners to have register books prepared and numbered.

173. The Commissioners shall cause to be prepared and printed a sufficient number of register books for making entries of all births and deaths which may take place in the municipality, according to the forms prescribed in the eighth and ninth schedules, and the pages of such books shall be numbered progressively from the beginning to the end.

Registrar to inform himself of and register births and deaths.

174. Every registrar shall inform himself of every birth and of every death which shall happen in his district, and shall ascertain and register, as soon as conveniently may be after the event, without fee or reward, the particulars required to be registered according to the forms in the eighth and ninth schedules respectively touching every such birth and every such death, as the case may be, which shall not have been already registered, every such entry being made in order from the beginning to the end of the book.

Information of birth to be given within eight days.

175. The father or mother of every child born in the municipality, or, in the case of the death, illness, or absence, or inability of the father and mother, the occupier of the house in which such child shall have been born, shall, within eight days after the day of the birth, give information to the registrar of the district, according to the best of his or her knowledge and belief, of the several particulars by this Act required to be known and registered touching the birth of such child.

Information of death to be given.

176. Some one of the persons present at the death, or in attendance during the last illness, of every person dying in the town, or, in case of the death, illness, inability, or default of all such persons, the occupier of the house, or if the occupier be the person who shall have died, some person living in the house in which such death shall have happened, shall forthwith give information to the registrar of the district, or sub-registrar at the burning ghât or burial-ground, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the the death of such person:

Provided that, in lieu of the information hereinbefore stated, in the case of persons dying in any hospital, it shall be the duty of the medical officer in charge forthwith to send a notice in writing to the Commissioners in the form prescribed in the ninth schedule of the occurrence of any death in the hospital under his charge.

Penalty.

177. Any person whose duty it shall be to give information to a registrar or sub-registrar under the two last preceding sections, who shall refuse or neglect to give such information, or who shall give false information, shall be liable to a fine not exceeding twenty rupees.

Person giving information to sign the register.

178. Every person by whom the information contained in any register of births or deaths under this Act shall have been given shall sign in the register his name, description, and place of abode; and no such registration shall be deemed to be complete or of any effect until such person shall have so signed it:

Provided that the registrar may fill up and sign the register for any person who is unable to write:

Provided further, that in the case of a person dying in any hospital, the registration of the death shall be deemed to be complete on receipt by the Commissioners of the written notice from the medical officer in charge of the said hospital, prescribed in section one hundred and seventy-six.

Corpse must be accompanied by a certificate before it is buried or burnt.

179. It shall not be lawful for any sexton, keeper of a cemetery, burial-ground, or burning ghât to bury, burn, or allow to be buried or burned, any corpse, unless the said corpse is accompanied by a certificate in the form specified in the ninth schedule, and signed by a registrar or sub-registrar appointed under section one hundred and seventy-one, or by a medical officer.

Penalty.

180. Whoever buries, burns, or allows to be buried or burnt, a corpse without the certificate men-

tioned in the last preceding section shall be liable to a fine not exceeding one hundred rupees.

OF TAKING A CENSUS.

Account of population to be taken.

181. At such times and in such manner as the Commissioners may from time to time appoint, an account shall be taken of the number of persons who at the time of taking such account shall be within the municipality; and the persons employed in taking such account shall set down the several particulars respecting the same which are hereinafter prescribed.

Chairman or Vice-Chairman to superintend the taking of an account of the population.

182. The Chairman or Vice-Chairman shall superintend the taking of such account, and shall cause to be prepared and issued, for the use of the persons to be employed, such forms and instructions as he shall, with the sanction of the Local Government, deem necessary; and the expenses thereby incurred shall be paid out of the Municipal Fund.

Enumeration districts.

183. Each police division of the municipality shall be formed into one or more enumeration districts.

At the appointed time occupiers of houses shall give the required information.

184. At such times as shall be appointed under section one hundred and eighty-one, and as shall be notified in the *Calcutta Gazette* by the Local Government, every occupier of a dwelling-house, or of any part of a dwelling-house distinctly occupied, and every person to whom a form as mentioned in section one hundred and eighty-six may have been delivered, shall afford such information in regard to all persons who were abiding in his house, or in the place under his charge, on the night immediately preceding, and in such manner as may under this Act be required of them.

Persons to be employed as enumerators.

185. The Chairman shall select a sufficient number of competent persons to act as enumerators; and every such enumerator, under the direction of the Chairman, shall visit every house within his district, and, except as hereinafter provided, shall take an account in writing of the name, sex, age, caste, nationality, and occupation of every living person who shall abide therein on the night immediately preceding the day appointed as aforesaid, and shall also take an account of the occupied houses, and the houses then being built and therefore uninhabited, and also of all other uninhabited houses within his district, and in all respects conform to, and obey, the instructions which may be issued to him by the Chairman in this behalf:

Provided that, in the case of females, no account shall be taken either of their name or age.

Forms for census.

186. The Chairman, when he deems such a course to be advisable, may cause such a form as shall be sanctioned by the Commissioners in meeting, subject to the approval of the Local Government, to be delivered to any occupier of any dwelling-house who may be able to write; and such occupier shall fill in all the particulars required in the form on the day to be appointed, and shall deliver the same to the person authorized to demand the same.

Military and naval officers and certain others, if required, to act as enumerators.

187. Any military or naval officers in command of bodies of military or naval men, or of vessels of war, or any master of a merchant vessel, or nacodah, or tindal of a vessel or boat, or any person in charge of a lunatic asylum, hospital, or prison, or of any public or private charitable or scholastic institution, or any keepers of hotels or lodging-houses, shall, if required, act as enumerators for the purpose of taking account of persons under their command or charge, or abiding in their houses, on the night immediately preceding the day to be appointed.

Penalty.

188. Whoever, being required under section one hundred and eighty-six to fill in any form, or under section one hundred and eighty-five to act as an enumerator, fails so to do, shall be liable to a fine not exceeding one hundred rupees for every such offence.

Every person so required to act as an enumerator shall receive and conform to all instructions in writing which may be issued to him by the Chairman in that behalf.

Returns of houseless persons.

189. The Chairman shall obtain, by such ways and means as shall appear to him best adapted for the purpose, and as shall be sanctioned by the Commissioners in meeting, returns of the particulars required by this Act with respect to all houseless persons and all persons who, during the said night immediately preceding the day to be appointed, were on out-door night duty, or for any other reason were not abiding in any house of which account is to be taken by the enumerators.

Enumerators to fill in for those unable to write.

190. The enumerators shall fill in all forms for those persons who are unable to write.

CHAPTER XI.

OF CONSERVANCY AND IMPROVEMENT.

PART I.—*Of the Streets.*

Public streets vested in the Commissioners.

191. All public streets in the municipality (not being the property and kept under the control of the Government) and the pavements, stones, and other materials thereof, and also all erections, materials, implements, and other things provided for such streets, shall vest in and belong to the Commissioners.

Power to make and improve streets.

192. The Commissioners, making due compensation to the owners and occupiers of any houses or land which may be required for any such purposes, may—

(*a*) lay out and make new streets;
(*b*) build and construct new bridges;
(*c*) turn, divert, discontinue, or stop up any public street; and
(*d*) widen, open, enlarge, or otherwise improve any such street.

For the purposes of this section, the Commissioners in meeting may purchase any land necessary for houses and buildings to form any public street, or for the improvement of any public street.

193. The Commissioners shall, so far as the Municipal Fund permits, from time to time cause the public streets to be maintained and repaired, and for such purpose may do all things necessary for the public safety and convenience.

Maintenance and repair of streets.

194. The Commissioners shall cause the public streets of the municipality to be sufficiently lighted, and the sum applicable annually to the current expenses of lighting the said streets shall be the gross proceeds of the said lighting-rate and no more; but the Commissioners may expend, out of the Municipal Fund, such further sums as may from time to time be requisite for the purchase, setting up, cleaning and maintenance of lamps, lamp-posts, pipes, and other necessary apparatus.

Gross proceeds of lighting-rate to be applied for purposes of lighting.

195. The Commissioners shall cause the public streets to be regularly swept and cleansed; and the dust, dirt, filth, and refuse of every kind whatsoever found thereon to be collected and removed.

Cleansing streets.

196. The Commissioners may cause any number of moveable or fixed dust-boxes or other convenient receptacles, wherein dust, dirt, filth, and refuse, arising from the ordinary domestic use of houses, may be temporarily deposited until removed and carried away, to be provided and placed in proper and convenient situations, and may require the occupiers of houses in public streets to cause all such matter as aforesaid to be deposited daily, or otherwise periodically, in such receptacles and between such hours as they may from time to time direct.

Dust-boxes in streets.

197. Every person who, after such receptacles have been provided, and after such requisition as abovementioned, shall deposit, or cause or permit to be deposited, any such matter in any public street, except in such receptacles, shall be liable to a fine not exceeding ten rupees.

Penalty.

198. Whoever deposits, or suffers to be deposited, any dust, dirt, filth, or refuse of any kind whatsoever, in any public street, or on any public quay, jetty, ghat, or landing place, or on any part of the river bank, whether above or below high water mark, except in such places, and in such manner, and at such hours, as shall be fixed by the Commissioners, shall be liable to a fine not exceeding ten rupees for every such offence.

Penalty for depositing dirt in public street, &c.

199. Whoever causes or allows the water of any sink or sewer, or any other offensive liquid matter belonging to him, or being in his house or land, to run, drain, or be thrown or put upon any street (public or otherwise), or causes or allows any offensive matter from any sewer or privy to run, drain, or be thrown into a surface drain in any street (public or otherwise), shall be liable to a fine not exceeding ten rupees for every such offence.

Penalty for allowing sewerage to flow on streets.

200. The Commissioners shall, so far as the Municipal Fund permits, and so far as they may deem requisite for the public convenience, cause the chief public streets to be watered; and for that purpose may provide such works and engines as they may think necessary.

Watering streets.

201. Whoever builds any wall, or erects or sets up any fence, rail, post, or other obstruction or encroachment in any public street, or in or over any drain, sewer, or aqueduct, after the commencement of this Act, shall be liable to a fine not exceeding one hundred rupees; and the Commissioners shall have power to remove any such obstruction or encroachment as also all walls, fences, rails, posts, or other obstruction or encroachment erected in any public street, or in or over any open drain, sewer or aqueduct, subsequent to the first of June in the year one thousand eight hundred and sixty-three, and the expense of such removal shall be paid by the person erecting the same, and shall be recoverable as hereinafer provided.

Penalty for making obstruction in public streets.

Nothing herein contained shall prevent the Commissioners from allowing any temporary erections in any public street on occasions of festivals and ceremonies, or for building purposes.

Temporary erections on occasions of festivals, &c.

202. Every person who wishes to make or lay out any new street shall give notice in writing thereof to the Commissioners, showing the intended level and width of such street, and the level and width of every such street shall be fixed or approved by the Commissioners;

and the Commissioners may, if they think fit, cause any such street laid out or made at a level or width otherwise than in accordance with the level or width so fixed or approved as aforesaid to be altered;

or may cause any house erected in any such street otherwise than in accordance with such level and width to be altered, or, if necessary, removed;

and the expenses thereby incurred shall be paid by the person offending.

If no such level or width be fixed, and no approval or disapproval of the level or width proposed be signified by the Commissioners within one month from the delivery of the aforesaid notice at the office of the Commissioners, the intended street may be laid out and made upon the level and of the width specified in the notice.

Private persons laying out new streets.

203. Whoever lays out, makes, or builds upon any such street, otherwise than in accordance with the level and width so fixed or approved, shall be liable to a fine not exceeding five hundred rupees.

Penalty.

204. If any street or any part thereof be not levelled, paved, metalled, flagged, channelled, and sewered to the satisfaction of the Commissioners, they may, by notice in writing to the respective owners or occupiers of the land fronting, adjoining, or abutting upon such parts thereof as may need to be levelled, paved, metalled, flagged, channelled, and sewered, require them to level, metal, pave, flag, channel, and sewer the same within a time to be specified in such notice; and upon non-compliance, the Commissioners may, if they think fit, execute the works mentioned or referred to therein:

Paving, &c., of streets.

and the expenses thereby incurred shall be paid by the owners in default according to the frontage of their respective lands, and in such proportion as shall be settled by the Commissioners or, in case of dispute, as shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses:

Provided that, after such street shall have been so levelled, paved, metalled, flagged, channelled, and sewered on the requisition of the Commissioners, or by the Commissioners as aforesaid, at the expense of the owners, such owners shall have a right to require that the street shall be declared a public street, to be from time to time repaired by the Commissioners out of the Municipal Fund.

Certain streets to be deemed public and repaired by the Commissioners.

205. If any street be levelled, paved, metalled, flagged, channelled, and sewered, to the satisfaction of the Commissioners, they may, if they think fit, and if three-fourths of the owners of houses in such street signify in writing their consent thereto, by notice in writing put up in any part of such street, declare the same to be a public street, and thereupon the same shall become a public street, and be from time to time repaired by the Commissioners out of the Municipal Fund.

Names of public streets.

Penalty.

206. The Commissioners in meeting shall from time to time cause to be put up or painted on a conspicuous part of some house, wall, or place, at or near each end, corner, or entrance of every public street, the name by which such street is to be known; and whoever destroys, pulls down, or defaces any such name, or puts up any name different from that put up by order of the Commissioners, shall be liable to a fine not exceeding twenty rupees.

Numbers on houses.

Penalty.

207. The Commissioners may from time to time fix a number in a conspicuous place on the outer side of any house, or at the entrance of the enclosure thereof; and whoever destroys, pulls down, or defaces any such number shall be liable to a fine not exceeding twenty rupees.

Doors not to open outwards.

208. All doors, gates, bars, and ground-floor windows (whether hung or placed before or after the commencement of this Act) which open upon any public street shall be hung or placed so as not to open outwards and cause obstruction;

and if any such door, gate, bar, or window be hung or placed so as to open outwards on any such public street, the owner of the house or land to which the same is attached shall, within eight days after notice from the Commissioners to that effect, cause the same to be altered so as not to open outwards; and if he neglects so to do, the Commissioners may make such alteration, and the expenses thereby incurred shall be paid by such owner.

Troughs and pipes to be fixed to houses.

209. The owner of every house in any public street shall, within fifteen days after notice from the Commissioners, put up and keep in good condition proper troughs and pipes for catching and carrying the water from the roof and other parts of such house, and for discharging the same in such manner as the Commissioners shall direct; and in default of compliance with such notice within the period aforesaid, such owner shall be liable to a fine not exceeding ten rupees for every day that he shall so make default.

Penalty.

Projections erected in future from houses to be removed.

210. The Commissioners may give notice in writing to the owner or occupier of any house to remove or alter any projection, encroachment, or obstruction which after the commencement of this Act shall be erected or placed against or in front of such house, or which has been so erected or placed subsequent to the first of June in the year one thousand eight hundred and sixty-three, and such owner or occupier shall, within fifteen days after the service of such notice upon him, remove such projection, encroachment, or obstruction, or alter the same in such manner as shall have been directed by the Commissioners, and in default thereof shall be liable to a fine not exceeding two hundred rupees; and the Commissioners in such case may remove such projection, encroachment, or obstruction, and the expense of such removal shall be paid by the owner or occupier so making default, and shall be recoverable as hereinafter provided:

Provided that, when the expense shall have been paid by the occupier, except in the case in which such projections, encroachments, or obstructions were made or put up by him, such occupier shall be entitled to deduct the expense of removing or altering the same from the rent payable by him to the owner of the house.

Removal of existing projections from houses.

Notice of removal.

211. The Commissioners may cause any projection, encroachment, or obstruction erected or placed against, or in front of, any house in any public street previous to the first of June in the year one thousand eight hundred and sixty-three, to be removed or altered as they think fit; provided that they give notice of such intended removal or alteration to the occupier of the house against, or in front of, which such projection, encroachment, or obstruction shall be thirty days before such alteration or removal is begun; and if such projection, encroachment, or obstruction shall have been lawfully made, they shall make reasonable compensation to every person who suffers damage by such removal or alteration, and if any dispute shall arise touching the right of any person to compensation when the right thereto is disputed and the amount thereof, or touching the amount of such compensation when the right thereto, is admitted, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

Compensation when to be made.

Commissioners may allow certain projections from houses.

212. The Commissioners may give permission in writing to the owners or occupiers of houses abutting on any public street or drain or sewer to put up verandahs, balconies, sunshades, weather-frames, and the like, to project from any upper story thereof over any public street or drain or sewer.

Roofs and external walls of huts not to be made of inflammable materials.

213. The external roofs and walls of huts or other buildings erected or renewed within the town, after the commencement of

this Act, shall not be made of grass, leaves, mats, or other such inflammable materials; and it shall not be lawful for the owner of any hut or other building in or near any street (public or otherwise) now having an external roof or wall made of any such material, and which is contiguous to or adjoining to any other building, to suffer such roof or wall to remain after the commencement of this Act, unless with the consent in writing of the Commissioners, and whoever makes any external roof or wall of such materials, or suffers any roof or wall made of such materials to continue contrary to the provisions herein contained, and who shall not remove or alter the same within one month after notice given to him for that purpose by the Commissioners, shall be liable to a fine not exceeding ten rupees for every day that such roof or wall shall continue.

Penalty.

214. The Commissioners may give notice to the owner or occupier of any house or land to trim or prune the hedges thereof bordering on any public street to a height not exceeding seven feet;

Commissioners may direct hedges to be trimmed.

or to cut and trim trees overhanging any public street, and obstructing the same or causing damage thereto;

and if such notice is not complied with within three days from the date thereof, the Commissioners may cause such hedges and trees to be cut in the manner required, and the expenses thereby incurred shall be paid by the owner of the house or land.

215. No person shall deposit any building materials or make a hole in any public street without the permission of the Commissioners in writing; and when such permission is granted to any person, he shall, at his own expense, cause such materials or such hole to be sufficiently fenced and enclosed, until the materials are removed or the hole is filled up and otherwise made secure; and shall cause the same to be sufficiently lighted at night.

No one to deposit materials or make hole in a public street.

216. Whoever deposits materials or makes a hole without such permission, or fails to fence or enclose and light such materials or hole, or does not remove such materials or fill up such hole when the permission has been withdrawn, shall be liable to a fine not exceeding fifty rupees, and to a further fine not exceeding fifty rupees for each day during which the offence is continued after he has been convicted of such offence.

Penalty.

PART II.—*Of the drains.*

217. All public sewers and drains, and all sewers, drains, tunnels, and culverts in, alongside, or under the public street, whether made at the cost of the Commissioners or otherwise, and all works, materials, and things appertaining thereto, shall become vested in the Commissioners.

Public sewers, drains, &c., vested in the Commissioners.

218. The Commissioners in making any main or other sewers for the drainage of the municipality may, if necessary, carry such sewers through, across, or under any public street, or any place laid out as, or intended for, a street, or any cellar or vault which may be under any of the public streets, and (after reasonable notice in writing in that behalf) into, through, or under any land whatsoever, making full compensation for any damage done thereby; and if any dispute shall arise with respect to the amount or apportionment of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

Powers of Commissioners in making public sewers.

219. The Commissioners shall maintain, and from time to time repair, and, as they think fit, enlarge, alter, arch over, or otherwise improve all or any of the sewers and drains vested in them;

Commissioners to repair and alter and close sewers.

and may discontinue, close up, or destroy such of them as they may deem useless or unnecessary.

If by reason of anything done under this section any person is deprived of the lawful use of any sewer or drain, the Commissioners shall, at a place within one hundred feet of the sewer or drain of the use of which he is deprived, provide the means of drainage into some public sewer, tidal river, or other place into which the Commissioners are empowered to empty their sewers, and thereupon the owner shall make a drain leading thereunto, of such materials, of such size, at such level, and with such fall as the Commissioners shall direct;

and if he neglect to do so within a reasonable time, the Commissioners may cause the same to be done, and the expenses thereby incurred shall be paid by the owner.

220. The Commissioners shall, so far as the Municipal Fund permits, cause the sewers and drains vested in them to be so constructed, maintained, and kept as not to be a nuisance or injurious to health, and to be properly cleared, cleansed, and emptied;

Cleansing and emptying sewers.

and, for the purpose of flushing, cleansing, and emptying the same, may construct and place, either above or under ground, reservoirs, sluices, engines, and other necessary works;

and may also, with the sanction of the Local Government, cause all or any of such sewers and drains to communicate with, and be emptied into, any tidal river or other fit place, or cause the refuse from such sewers and drains to be conveyed by a proper channel to the most convenient site for its deposit, and may sell the same for any agricultural or other purpose as may be deemed most expedient, but so that the same shall not become a nuisance.

221. When the contents of any sewer or drain, or any other flow of filth or refuse, are discharged into any river or stream in the bed or channel of which the quantity of water at any season of the year is so much diminished, by natural or artificial causes, as to be insufficient to keep such channel clean or clear, the Commissioners, with the sanction of the Local Government, so far as the Municipal Fund permits, shall make such alteration in the bed of such river or stream as may prevent such sewer and drain-water from spreading over the surface of such bed, or from accumulating and stagnating in parts thereof to the injury of health or the annoyance of the surrounding population.

Bed of stream receiving sewerage to be cleared.

222. If any person, without the written consent of the Commissioners first obtained, makes or causes to be made,

Unauthorized drains leading into public sewers may be demolished.

or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the Commissioners, or makes such drain, or carried out such alterations, with materials not approved of by the Commissioners, the Commissioners may cause such branch drain to be demolished, altered, re-made, or otherwise dealt with as they shall think fit;

and the expenses thereby incurred shall be paid by the person making or altering such branch drain.

Penalty for altering or making unauthorized drains leading into public sewers.

223. Whoever, without the written consent of the Commissioners first obtained, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the Commissioners by this Act, shall be liable to a fine not exceeding two hundred rupees.

Commissioners empowered to make drains from houses which are not properly drained.

224. If any house or land within the municipality, and within a reasonable distance of a sewer fit for use, or of some tidal river or other place at which the Commissioners are empowered to empty their sewers, be at any time not drained to the satisfaction of the Commissioners by sufficient drains or pipes communicating with some sewer, tidal river, or other place as aforesaid, the Commissioners may, if the owner neglects to do so within fifteen days after notice, construct or lay through or from such house or land, covered drains, or pipes of such materials, of such size, at such level, and with such fall, as they shall think necessary for the complete draining of such house or land;

and the expenses thereby incurred shall be paid by the owner.

Commissioners may construct certain portions of drains under public drains and streets.

225. The Commissioners themselves may construct and lay down such portions of the drains mentioned in sections two hundred and nineteen, two hundred and twenty-four, two hundred and twenty-seven, and two hundred and twenty-eight as may be carried through or under any public drain, aqueduct, or street, and the expenses thereby incurred shall be paid by the owner.

Supervision of certain works.

226. The Commissioners may cause the works mentioned in the said sections to be supervised while in progress, and from time to time during their execution order such reasonable alterations therein, additions thereto, and abandonment of part or parts thereof, as may to the Commissioners appear, on the fuller knowledge afforded by the opening of the ground, requisite to secure the complete and satisfactory execution of such works as aforesaid.

Group or block of houses, &c., may be drained by a combined operation.

227. If it appear to the Commissioners that a group or block of houses may be drained or improved more economically or advantageously in combination than separately, and a sewer of sufficient size already exists, or is about to be constructed, within one hundred feet of any part of such group or block of houses, the Commissioners may cause such group or block of houses to be drained and improved by a combined operation:

and the expenses thereby incurred shall be paid by the owners of such houses in such proportions as shall to the Commissioners seem fit.

Sewers in streets to be covered with traps, &c.

228. All sewers and drains in streets (public or otherwise) shall be provided by the Commissioners or by the persons to whom they severally belong with proper traps or other coverings or means of ventilation, so as to prevent stench.

If the owner of any private sewer or drain shall, for ten days after notice given to him by the Commissioners, neglect or delay to provide proper traps or coverings or means of ventilation as aforesaid, the Commissioners may forthwith provide and apply the same;

and the expenses thereby incurred shall be paid by the owner.

Power of Commissioners to erect or affix to building pipes for ventilation of sewers.

229. The Commissioners may erect on, or fix to, any house such pipes as they may deem necessary for the proper ventilation of the sewers belonging to them, and such pipes shall be carried to a height of not less than six feet above the highest part of the house, and erected so as not to occasion any nuisance or inconvenience to any house in the neighbourhood.

Branch drains, privies, &c., to be under the control of the Commissioners, and to be kept in good order by owners.

230. All branch drains, as well within as without the house or land to which they belong, and all privies and cess-pools within the municipality, shall be under the survey and control of the Commissioners, and shall be altered, supplied with water, connected with a sewer, repaired, stopped up, demolished, and kept in proper order at the costs and charges of the owner of the house or land to which the same belong, or for the use of which they are constructed or continued.

and if the owner of any house or land to which any such drain, privy, or cess-pool belongs, neglect, during eight days after notice in writing for that purpose, to alter, lay water to, connect with a sewer, repair, stop up, demolish, or put in good order the same, in the manner required by the Commissioners, the Commissioners may cause such drain, privy, or cess-pool to be altered, supplied with water, connected with a sewer, repaired, stopped up, demolished, or put in good order;

and the expenses thereby incurred shall be paid by the owner.

Commissioners may alter any drain, &c., made contrary to their order.

231. If any branch drain, privy or cess-pool be constructed contrary to the directions and regulations of the Commissioners, or contrary to the provisions of this Act, or if any person, without the consent of the Commissioners, constructs, rebuilds or unstops any branch drain, privy, or cess-pool which has been ordered by them to be demolished or stopped up, or not to be made, the Commissioners may cause such amendment or alteration to be made in any such drain, privy, or cess-pool as they think fit;

and the expenses thereby incurred shall be paid by the person by whom such drain, privy, or cess-pool was improperly constructed, rebuilt, or unstopped.

Penalty for persons making or altering drains contrary to the orders of the Commissioners.

232. Whoever constructs any drain, privy, or cess-pool after the commencement of this Act contrary to the directions and regulations of the Commissioners, or contrary to the provisions of this

Act, or, without the consent of the Commissioners, constructs, rebuilds or unstops any drain, privy, or cess-pool which has been ordered by them to be demolished or stopped up, or not to be made, shall be liable to a fine not exceeding fifty rupees.

Inspection of drains, privies, and cess-pools.

233. The Commissioners, or any officer authorized by them in that behalf, may inspect any branch drain, privy, or cess-pool, and for that purpose, at any time between sunrise and sunset, after one hour's notice in writing to the occupier of the house or land to which such drain, privy, or cess-pool is attached may enter upon such house or land with such assistants and workmen as are necessary, and cause the ground to be opened where they or he may think fit, doing as little damage as may be; and if, upon such inspection, it appears that such drain, privy, or cess-pool is not in good order and condition, or that it has been constructed contrary to the provisions of this Act, the expenses of such inspection shall be paid by the person to whom such drain, privy, or cess-pool may belong;

but if the drain, privy, or cess-pool be found to be in proper order and condition, and not to have been constructed in violation of the provisions of this Act, the Commissioners or officer as aforesaid shall cause the ground to be closed and made good as soon as may be, and the expenses of opening, closing, and making good such drain, privy, or cess-pool, shall in that case be paid by the Commissioners:

Provided that nothing hereinbefore contained shall authorize an entry into any room appropriated for the zenana or residence of women, which by the custom of the country is considered private, unless a notice in writing of not less than four hours be given.

Penalty for throwing rubbish into sewers.

234. Whoever throws or puts, or permits his servants to throw or put, any earth, dirt, ashes, garden, kitchen, or stable refuse, or any broken glass or earthenware, or other rubbish, or, until suitable sewers shall be provided, any night-soil into any sewer or drain belonging to the Commissioners, or into any drain communicating therewith, shall be liable to a fine not exceeding fifty rupees for every such offence, and to a further fine, not exceeding thirty rupees, for each day during which the offence is continued after he has been convicted of such offence.

No latrine to be constructed within fifty feet of a tank.

235. No person shall, without the permission of the Commissioners in writing, construct or keep any latrine, urinal, cess-pool, house-drain, or other receptacle for filth, sewage, house-drainage, or other offensive matter within fifty feet of any public tank, or a tank which the inhabitants of any locality are entitled to use. Any person upon whose land any latrine, urinal, cess-pool, house-drain, or other receptacle so situated shall be now existing or hereafter constructed, shall remove the same within forty-eight hours of the receipt of a written notice from the Commissioners.

Penalty.

236. Any person failing to comply with the notice mentioned in the last preceding section shall be liable to a fine not exceeding twenty rupees, and to a further fine, not exceeding three rupees, for every day that the latrine, urinal, cess-pool, house-drain, or other receptacle remains within the limits aforesaid.

PART III.—*Of General Conservancy.*

Removal of night-soil.

237. The Commissioners from time to time may appoint—

(*a*) the hours within which night-soil or other offensive matter may be removed;

(*b*) the kind or cart or other receptacle in which it may be removed;

(*c*) the route by which such cart or receptacle shall proceed.

Penalty.

238. When the Commissioners have fixed such hours and given public notice thereof, whoever removes or causes to be removed along any street (public or otherwise) any such offensive matter at any time, except within the hours so fixed, and also, whoever at any time, whether such hours have been fixed by the Commissioners or not, uses for any such purpose any cart, carriage, or other receptacle or vessel other than that approved and sanctioned by the Commissioners, or slops or spills any such offensive matter in the removal thereof, or

does not carefully sweep and clean every place in which any such offensive matter has been slopped or spilled, or

places or sets down in any public place any vessel containing such offensive matter,

or drives or takes, or causes to be driven or taken, any cart, carriage, receptacle, or vessel used for any such purpose as aforesaid, through any street (public or otherwise), or by any route other than that, from time to time, by public notice, appointed for that purpose by the Commissioners, shall be liable to a fine not exceeding twenty rupees for every such offence.

Places of deposit for filth.

239. The Commissioners shall from time to time appoint or provide places for the deposit of dust, dirt, filth, and any other refuse whatsoever collected and removed in accordance with this Act;

and for keeping all cattle, carts, implements, and other things required for the above or any of the purposes of this Act.

Penalty.

240. Whoever, being the occupier of any house or land, keeps or suffers to be kept any dirt, dust, filth, or refuse of any kind whatsoever for more than twenty-four hours, otherwise than in a proper receptacle, or suffers such receptacle to be in a filthy or noxious state, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding thirty rupees, for each day during which the offence is continued after he has been convicted of such offence.

Filth and refuse to be the property of the Commissioners.

241. All dirt, dust, filth, and any other refuse whatsoever, collected from the streets (public or otherwise), houses, privies, sewers, and cess-pools shall belong to the Commissioners, who may sell or dispose of the same as they may think proper, and the money arising from the sale thereof shall form part of the Municipal Fund.

Power to shut up, secure, clear, and clean deserted houses.

242. If any house or land, by reason of abandonment, or of disputed

ownership, or other cause, shall remain untenanted, and thereby become a resort of idle and disorderly persons,

of become in a filthy or unwholesome state,

or be complained of by any two or more of the neighbours as a nuisance,

or if any land tenanted by persons without leases and enjoying no security of tenure seems to the Commissioners to be in a filthy or unwholesome state,

the Commissioners, after due enquiry, may cause notice in writing to be given to the owner, or to the person claiming or believed to be the owner, if he be known and resident within the limits of their jurisdiction, and shall also cause such notice to be put on the door of the house or some conspicuous part of the land requiring the persons concerned therein, whoever they may be, to secure, enclose, clean, or clear the same;

and if such notice shall not be complied with within eight days the Commissioners shall cause the necessary work to be executed, and the expenses thereby incurred shall be paid by the owner, or, in case of abandonment or disputed ownership, by the sale of any materials found upon such house or land, and the provisions of section two hundred and sixty-nine shall be applicable to such sale.

Common necessaries.

243. The Commissioners may provide and maintain in proper and convenient situations, so as not to create a nuisance, common necessaries and urinals and shall cause the same, when provided, to be kept in proper order and to be daily cleansed.

Licensing of public necessaries and tola mehters' depots.

244. The Commissioners may license, for any period not exceeding one year, such necessaries for public accommodation and such tola mehters' depots as they may, from time to time, think proper; and may at any time, on giving one month's notice, cancel any license granted under this section, if it shall seem proper to them to cancel it.

No person shall carry on the business of a tola mehter without obtaining a license from the Commissioners.

Mode of recovering fees.

All fees shall be payable under any license granted under the last preceding section, shall be recoverable from the persons liable to pay the same, as if the amounts payable in respect thereof were rates due to the Commissioners from such persons, under the provisions of Chapter VI.

Penalty.

245. Whoever keeps any public necessary or any tola mehters' depot without a license as mentioned in the last preceding section, or, having a license, suffers such public necessary or tola mehters' depot to be in a filthy or noxious state, shall be liable to a fine not exceeding one hundred rupees, for every such offence, and to a further fine, not exceeding seventy rupees, for each day during which the offence is continued after he has been convicted of such offence; and whoever shall carry on the business of a tola mehter without obtaining a license from the Commissioners shall be liable to a fine not exceeding twenty rupees.

Commissioners may direct performance of duties usually performed by mehters.

246. The Commissioners in meeting may, by advertisement in at least two of the daily newspapers published in Calcutta and by placards posted up in conspicuous places throughout the municipality, or any portion thereof, declare that the duties usually performed by tola mehters within the boundaries specified in the aforesaid advertisement shall be performed by an establishment under the control of the Commissioners, and the Commissioners shall make suitable provision accordingly.

When the Commissioners have made such provision, the occupier of any house or land in respect of which such duties are performed shall be liable to pay in respect of the same such fees as may be imposed by the Commissioners in meeting, and the said fees shall be payable in advance on the 1st of July, the 1st of October, the 1st of January and the 1st of April for the current quarter and shall be recovered from such occupier as a rate under Chapter VI.

Neglecting to enclose private privy.

247. The owner or occupier of any land having a privy on it shall have such privy shut out by a sufficient roof, and wall or fence, from the view of persons passing by or residing in the neighbourhood: and no person shall keep a privy with a door or trap-door opening on to any street (public or otherwise) or drain.

Penalty.

Every owner or occupier who shall omit to comply with, or shall commit any breach of, any of the provisions of this section, shall be liable to a fine not exceeding ten rupees, and to a further fine, not exceeding five rupees, for each day the offence is continued after he has been convicted of such offence:

Provided that the Commissioners may, in their discretion, permit the continuance, for such time as they may fix, of any such privy with a door or trapdoor opening on to any street (public or otherwise) where such privy already exists and does not create a nuisance.

Commissioners may cause additional privies to be provided for any land.

248. If the Commissioners think that any privy or additional privy should be provided for any house or land, the owner of such house or land shall, within fourteen days after notice in that behalf by the Commissioners, cause such privy, together with the necessary pipes, drains, and water-supply, to be constructed in accordance with the requisition of such notice; and if such privy be not so constructed to the satisfaction of the Commissioners within such period, the Commissioners may cause such privy, together with the necessary pipes, drains, and water-supply to be so constructed; and the expenses thereby incurred shall be paid by the owner.

Milkman, &c., not to keep animals or cattle without license.

249. No milkman, cartman, shepherd, livery stable-keeper, or keeper of hackney carriages, shall keep any animals, sheep, goats, or horned cattle within the limits of the municipality for the purposes of trade or business, except in a place licensed by the Commissioners.

Such license shall be taken out half-yearly, on the first day of April and the first day of October in every year.

It shall be in the discretion of the Commissioners in meeting to grant any such license subject to such conditions as they may think fit, and to impose a fee not exceeding five rupees in respect of the same

Penalty.

250. Whoever, being the owner of any land, permits any milkman, cartman, shepherd, livery stable-keeper, or keeper of hackney carriages, to keep any animals sheep, goats, or horned cattle in any unlicensed place situate on such land shall be liable to a fine not exceeding one hundred rupees, and to a further fine, not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence, and the milkman, cartman, shepherd, livery stable-keeper, or keeper of hackney carriages shall also be liable to a similar fine.

Penalty.

251. Whoever, being the holder of a license under section two hundred and forty-nine, breaks the conditions of such license shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding ten rupees, for each day during which the offence is continued after he has been convicted of such offence.

Regarding pig-styes, sheep, and cattle.

252. No person shall keep any pig-stye within the limits of the municipality to the front of any street (public or otherwise) not being shut out therefrom by a sufficient wall or fence, and no person shall keep within the limits of the municipality without the permission of the Commissioners, more than ten pigs or more than twenty sheep or goats.

Penalty.

253. Whoever keeps any pig-stye, pigs, sheep, or goats, contrary to the provisions of the last preceding section, shall be liable to a fine not exceeding fifty rupees, and a further fine, not exceeding thirty rupees, for each day during which the offence is continued after he has been convicted of such offence.

Commissioners breaking up street to restore the same with all convinient speed.

254. When the pavement or surface of any public street, or when any sewer or drain shall be opened or broken up by the Commissioners, they shall, with all convenient speed, complete the work on account of which the same shall have been broken up, and fill in the ground, and make good the pavement and surface, and the sewer or drain so opened or broken up, and carry away the rubish or occasioned thereby; and shall in the meantime cause the place where such pavement or surface shall be so opened or broken up to be fenced and guarded and sufficiently lighted during the night.

Situation of gas and water-pipes may be altered by the Justices.

255. If the Commissioners deem it necessary for the purposes of this Act to raise, sink, or otherwise alter the situation of any water-pipe or gas-pipe, or other water-works or gas-works laid in any street (public or otherwise), they may, from time to time by notice in writing, require the person to whom any such pipes or works belong, or under whose control they may be, to cause forthwith, or as soon as conveniently may be, any such pipes or works to be raised, sunk, or otherwise altered in position in such manner as the Commissioners direct.

Such alteration shall not be such as permanently to injure such works, or to prevent the water or gas from flowing as freely and conveniently as before; and the expenses attending such raising, sinking, or altering, and full compensation for the damage done thereby, shall be paid by the Commissioners as well to the persons to whom such pipes or works belong as to all other persons.

Alteration not to permanently injure works, and to be done at Commissioners' expense.

And if any dispute shall arise touching the amount or apportionment of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

Settlement of disputes.

256. If the person to whom any such pipes or works as are mentioned in the last preceding section belong, or under whose control they may be, do not proceed forthwith, or as soon as conveniently may be after the receipt of the notice mentioned in the last preceding section, to cause the same to be raised, sunk, or altered in such manner as the Commissioners require, the Commissioners may themselves cause such pipes or works to be raised, sunk, or altered as they may think fit, provided that such works be not permanently injured thereby, or the water or gas prevented from flowing as freely and conveniently as before.

If owner, &c., neglect to make alterations, the Commissioners may cause the same to be made.

257. The Commissioners may, at their discretion, set apart any public ghât or place (not being private property, or part of the river or river bank of the Port of Calcutta) for the purpose of being used as a bathing place;

Commissioners may set apart bathing places, &c.

provide or set apart a sufficient number of convenient tanks or reservoirs, or runs of water, for the inhabitants to bathe in;

and set apart tanks or reservoirs, or runs of water, for washing animals or clothes, or for any other purpose connected with the health, cleanliness, and comfort of the inhabitants.

Penalty.

258. Whoever bathes or washes animals or clothes in any public place, except the places provided or set apart under the last preceding section, shall be liable to a fine not exceeding fifty rupees.

Power to prohibit excavations.

259. The Commissioners at a meeting may, by a general order, prohibit the making of excavations for the purpose of taking earth or stone therefrom, or for the purpose of storing rubbish or offensive matter therein, and the digging of cess-pools, tanks, wells or pits without special permission previously obtained from them.

If any such excavation, cess-pool, tank, well or pit is made after the issue and publication of such order without such special permission, the Commissioners may require the owners and occupiers of the land on which such excavation, cess-pool, tank, well or pit is made, within two weeks to fill up such excavation.

Power to fill up unwholesome tanks, &c., on private premises.

260. When any well, tank, or low marshy ground, or any waste or stagnant water, whether within any private enclosure or not, appears to the Commissioners to be injurious to health or to be offensive to the

neighbourhood, the Commissioners may require, by notice in writing, the owner of the same to cleanse or fill up such well, tank or marshy ground, or to drain off or remove such stagnant water; and if he shall refuse or neglect to comply with such requisition during one month from the service thereof, the Commissioners, their officers, and workmen, may enter into the said premises, and do all necessary acts for all or any of the purposes aforesaid as they shall think fit;

and the expenses thereby incurred shall be paid by the owner.

Penalty.

Whoever, being an owner of land, fails to comply with the requisition mentioned in the last preceding section shall be liable to a fine not exceeding two hundred rupees, and to a further fine, not exceeding fifty rupees, for each day during which the offence is continued after he has been convicted of such offence.

Power to drain off and cleanse unwholesome tank, &c., on private premises.

261. The Commissioners may from time to time, as they shall think fit, drain off into any sewers belonging to them, and cleanse or fill up any stagnant pool, ditch, well, tank, pond, or other receptacle of water (the same not being within any private enclosure) which shall appear to them to be useless or unnecessary, or likely to prove injurious to the health of the inhabitants, whether the same be the private property of any person or otherwise; and the Commissioners, their officers, and workmen, may do all necessary acts for effecting any of the purposes aforesaid.

Commissioners in executing works to provide proper drains, &c.

262. The Commissioners, in executing any works under this Act, shall provide and make, at their own expense, a sufficient number of convenient ways, water-courses, drains, and channels in the place of such as may be interrupted, injured, or rendered useless by reason of the execution of such works;

and if any difference arises between the Commissioners and the persons affected thereby, such difference shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

Bars to be erected across streets during repairs, and lights placed at night.

263. The Commissioners shall, during the construction or repair by them of any of the streets, sewers, or drains, vested in or belonging to them, take proper precaution for guarding against accident, by shoring up and protecting the adjoining houses;

and shall cause such bars, chains, or posts to be fixed across or in any street (public or otherwise), to prevent the passage of carriages, carts, cattle, or animals, while such works are carried on as to them shall seem proper;

and shall cause any sewer, or drain, or other works in streets (public or otherwise), during the construction or repair thereof by them, to be sufficiently lighted and guarded during the night.

Dangerous places near streets to be repaired or enclosed.

264. If any building, tank, well, or hole, or other place be, for want of sufficient repair, protection, or enclosure, dangerous to passengers or to persons living in the neighbourhood, the Commissioners may, by notice in writing, require the owner of the land to repair, protect, or enclose the same; and if he fails to comply with such requisition during eight days from the service thereof, the Commissioners shall cause the same to be repaired, protected, or enclosed, so as to prevent danger therefrom;

and the expenses thereby incurred shall be paid by the owner of the property so repaired, protected or enclosed.

Penalty.

265. Whoever, being an owner of land, fails to comply with the requisition mentioned in the last preceding section, shall be liable to a fine not exceeding two hundred rupees, and to a further fine, not exceeding fifty rupees, for each day during which the offence is continued after he has been convicted of such offence.

PART IV.—*Of Building Regulations.*

Houses may be set forward for improving lines of public street.

266. The Commissioners may, upon such terms as they shall think fit, allow any house to be set forward for improving the line of any public street in which such house is situated.

Houses projecting beyond line of street when taken down to be set back.

267. The Commissioners may prescribe a line on each side of any public street within which, without the permission of the Commissioners in writing, no portion of any building abutting on to the said street shall, after such line has been prescribed, be constructed.

A line so prescribed shall be called 'the regular line of a public street.'

When any house, any part of which projects beyond the regular line of a public street, or beyond the front of the house on either side thereof, has been burnt down or taken down in order to be rebuilt or altered, or such portion thereof as projects beyond the regular line of the street has been burnt down or taken down in order to be rebuilt or altered, the Commissioners may require the same to be set back to, or towards, the regular line of the street or the line of the adjoining houses:

Provided that the Commissioners shall make full compensation to the owner of any such house for any damage he may thereby sustains and if any dispute shall arise touching the amount of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damage; and expenses.

House in a ruinous and dangerous state.

268. If any house, or wall, or anything affixed thereon, be deemed by the Commissioners to be in a ruinous state, or likely to fall, or in any way dangerous to the inhabitants of such house or to the neighbouring houses, or to the occupiers thereof, or to passengers, they shall immediately, if it appears to them to be necessary, cause a proper hoard or fence to be put up for the protection of passengers, and shall cause notice in writing to be given to the owner, if he be known and resident within the limits of their jurisdiction, and shall also cause such notice to be put on the door or other conspicuous part of such house, or otherwise to be given to the occupier thereof (if any), requiring such owner or occupier forthwith to take down, repair, or secure, such house, wall, or thing affiixed thereon, as the case shall require.

If such owner or occupier do not begin to take down, repair, or secure the same within three days after such notice, and complete such work with due diligence, the Commissioners shall cause all or so much of such house, wall, or thing as they shall think necessary, to be taken down, repaired, or otherwise secured; and the expenses thereby incurred shall be paid by the owner.

If owner does not take house down, Commissioners may do so.

The provisions of section two hundred and sixty-seven shall apply to houses taken down or repaired under this section.

269. If any such house or wall as is mentioned in the last preceding section, or any part of the same, be taken down as in such section mentioned the Commissioners may sell the materials thereof, or so much of the same as shall be taken down, and apply the proceeds of such sale in payment of the expenses incurred, and shall restore any surplus arising from such sale to the owner of such house or wall on demand.

Sale of materials of ruinous houses.

The Commissioners shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale as by this Act are given to them for compelling the payment of the whole of the said expenses.

270. Before beginning, within the limits of the municipality, to build or rebuild any house, the person intending to build or rebuild such house shall give to the Commissioners notice thereof in writing, and shall accompany such notice with a plan, showing the levels and width at which the foundation and lowest floor of such house are proposed to be laid, by reference to some level ascertained under the direction of the Commissioners.

Notice of new buildings to be given to the Commissioners.

271. Within thirty days after receiving such notice as is mentioned in the last preceding section, the Commissioners shall signify their approval of the proposed levels and width of foundation, or if they disapprove thereof, they shall fix other levels and width of foundation in lieu thereof within the same time.

Commissioners to signify disapproval within fourteen days.

272. If such building as is mentioned in section two hundred and seventy be begun or made without sending such notice and plan as are mentioned in the said section, or at any levels different from those fixed by the Commissioners within the said thirty days, or in any other respect contrary to the provisions of this Act, the Commissioners may, if necessary, cause such building to be altered or demolished as the case may require;

and the expenses thereby incurred shall be paid by the person failing to comply with the provisions aforesaid.

Houses built without notice, or contrary to provisions of this Act, may be altered by the Commissioners.

273. If the Commissioners fail to signify in writing their approval or disapproval of the levels and width of foundation shown on such plan as is mentioned in the last preceding section, and to fix other levels and width of foundation within thirty days after receiving such notice and plan as aforesaid, the person giving such notice may, notwithstanding anything hereinbefore contained, proceed to build or rebuild the house therein referred to according to the levels and width of foundation shown on such plan:

If Commissioners fail to signify approval, &c., within fourteen days, parties may proceed without.

Provided that such building or rebuilding be otherwise in accordance with this Act.

The word "house" in this and the three last preceding sections does not include a hut.

274. Every person intending to build or take down any house, or to alter or repair the outward part of any house, where any public street will be obstructed or rendered inconvenient by means of such work shall, before beginning the same, cause sufficient hoards or fences to be put up, in order to separate the house where such works are being carried on from the street, and shall keep such hoard or fence standing and in good condition, to the satisfaction of the Commissioners, during such time as the public safety or convenience requires, and shall cause the same to be sufficiently lighted during the night:

Hoards to be set up during repairs.

Provided that no person shall put up a hoard or fence without the written permission of the Commissioners, and shall not keep up the said hoard or fence for a time longer than allowed in the said written permission.

275. Every person who begins to build, or to take down, or alter, or repair any house contrary to the provisions of the last preceding section, or who, without license, erects or sets up any hoard, scaffolding, or fence whatsoever, or who, being licensed, fails to put up such fence or hoard, or to continue the same standing, or to maintain the same in good condition, or who does not, while the same hoards or fences are standing, keep the same sufficiently lighted during the night, or who does not remove the same when directed by the Commissioners within eight days, shall be liable to a fine not exceeding fifty rupees for every such offence, and a further fine, not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence.

Penalty.

276. No house shall be newly erected over any sewer or drain belonging to the Commissioners without their written consent;

House over sewers, &c., not to be erected without consent of the Commissioners.

and if any house be so erected, the Commissioners may cause such house to be pulled down or otherwise dealt with as they may think fit;

and the expenses thereby incurred shall be paid by the person so erecting the house.

277. No house shall be built within the limits of the municipality upon a lower level than will allow of the drainage of such house or building being led into some public sewer then existing or projected, or into some tidal river or other place into which the Commissioners are empowered to empty their sewers.

Level of houses hereafter built within the town.

278. If any house newly erected or rebuilt within the municipality have such means of drainage as in the last preceding section mentioned existing within one hundred feet thereof, the owner shall make a drain leading thereunto from the site of such house of such materials, of such size, at such level, and with such fall as the Commissioners may direct;

Houses hereafter built to have drains constructed under the orders of the Commissioners.

and if he neglect to do so within a reasonable time, the Commissioners may cause the same to be done, and the expenses thereby incurred shall be paid by the owner.

Erection of new huts to be under the control of the Commissioners.

279. It shall be lawful for any person to erect a hut, or any range or block of huts or sheds, or to add any hut or shed to any range or block already existing at the commencement of this Act, without previous notice to the Commissioners, and the Commissioners may within thirty days of the receipt of such notice by them require such huts or sheds to be built, so that they may stand in regular lines with a free passage or way in front of and between every two lines, of such width as they may think proper for ventilation and to facilitate scavengering, and with such number of privies and with such means of drainage as to them may seem necessary, and at such a level as will admit of such drainage, and with a plinth at least two feet above the level of the nearest public street.

Power to direct removal of huts built without notice.

280. If any such huts or sheds be built without giving such notice to the Commissioners, or otherwise than as required by the Commissioners, the Commissioners may give notice to the owner or occupier thereof, by affixing a notice to some conspicuous part of some one of such huts or sheds, to take down and remove the same within one month, or to effect such alterations as they may deem necessary; and it shall be lawful for the Commissioners, if they shall think fit so to do, to cause the same to be taken down and removed; and the expense incurred thereby shall be paid by the said owner or occupier thereof, and shall be recoverable as hereinafter provided.

Penalty.

281. Whoever erects a hut, or any range or block of huts or shed, or to adds to any hut or shed, or any range or block already existing, contrary to the provisions of section two hundred and seventy-nine, shall be liable to a fine not exceeding one hundred rupees for every such offence, and to a further fine, not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence.

PART V.—*Of Sanitary Measures with regard to Blocks of Huts.*

Power of Commissioners as to inspection of huts.

282. Whenever the Commissioners in meeting are satisfied, from inspection, or by report of competent persons, that any existing block of huts in the municipality is, by reason of the manner in which the huts are constructed or crowded together, or of the want of drainage and the impracticability of scavengering, attended with risk of disease to the inhabitants or the neighbourhood, they may cause the locality to be inspected by two medical officers, who shall make a report in writing on the sanitary condition of the said block of huts, and shall specify, if necessary, in the said report the huts which should be removed, the roads, drains, and sewers which should be constructed, and the low lands which should be filled up, with a view to the removal of the said risk of disease.

On receipt of report Commissioners may cause notice to be served.

283. On receipt of the said report, the Commissioners in meeting may cause a notice to be served upon the owners or occupiers of the huts, or, at the option of the Commissioners, the owner of the land on which such huts are built, requiring them to carry out and execute within a reasonable time, to be fixed by the Commissioners for such purpose, all or any of the works specified in the aforesaid report, or any portion thereof respectively.

Commissioners may carry out works if owners or occupiers refuse.

284. If, after the service of the said notice, such owners or occupiers, or the owner of the land, shall refuse or neglect to carry out and execute the said works within the time appointed, the Commissioners may cause all or any of the said works, or any portion thereof respectively, to be executed; and the expenses thereby incurred, including reasonable compensation to the owners or occupiers of huts destroyed or removed, shall be paid by the owner of the land:

Expenses may be recovered by instalments or remitted in case of poverty.

Provided that the Commissioners in meeting may order the expenses so incurred to be recovered by instalments from the said owner, or, if it should appear to them that the said owner is unable by reason of poverty to pay the same, may order the same or any portion thereof to be paid out of the Municipal Fund.

Sale of huts.

285. If any of the said huts be pulled down, the Commissioners shall cause the materials of each hut to be sold separately, if such sale can be effected, and the proceeds shall be paid to the owner of the hut; or if the owner be unknown, or the title disputed, shall be held in deposit by the Commissioners until the person interested therein shall obtain the order of a competent court for the payment of the same.

The Court of Small Causes shall be deemed a competent court for the purpose.

Power to purchase, improve, and re-sell or lease unhealthy areas.

286. Notwithstanding anything in the three sections immediately preceding contained, the Commissioners in meeting may, upon receipt of the report prescribed under section two hundred and eighty-two, pass a resolution to the effect that the land upon which the block of huts mentioned in such report is situate, is an unhealthy area, and that, in the opinion of the Commissioners, the acquisition of the land, either by purchase or lease, is necessary for the purpose of making the requisite improvements thereon, and shall proceed to make a scheme for the improvement of such land, and shall forward such scheme, accompanied by such plans and particulars as shall be necessary for a due understanding of the same, together with a copy of such resolution, for the consideration and sanction of the Local Government.

The Commissioners in meeting may, with the sanction of the Local Government, acquire such land or any part thereof by purchase or lease, and for the purposes of such acquisition the provisions contained in Chapter XIV, Part II, shall apply.

When the sanction of the Local Government has been accorded to any scheme for the improve-

ment of any land acquired by the Commissioners as above provided, the Commissioners in meeting may sell or let any part of the acquired land to any person for the purpose and under the condition that he will, as respects the land so purchased by or leased to him, carry out such scheme, and in particular they may insert, in any grant or lease of any part of the land which may be intended for building sites, provisions binding the grantee or lessee to build thereon, in such manner and within such period of time, as in the grant or lease prescribed, and to make provision for the sanitation and conservancy of the land and the dwellings built thereon to the satisfaction of the Commissioners.

The Commissioners may, instead of selling or letting the land acquired by them as aforesaid, engage with any person to carry out the whole or any part of any duly sanctioned scheme of improvement upon such terms as the Commissioners may think expedient, or may themselves undertake to carry out such scheme.

All expenditure incurred by the Commissioners under this section, in connection with the preparation of any scheme of improvement, the acquisition by purchase or lease of any lands for the purposes of any such duly sanctioned scheme, or the carrying out of any such scheme, shall be deemed to be expenditure to which the Municipal Funds are applicable under section twenty-nine.

For the purchase of any land acquired under this section, and the block of huts or other buildings standing thereon, and for otherwise carrying out any duly sanctioned scheme for the improvement of any such land, the Commissioners in meeting may, with the sanction of the Local Government, from time to time, borrow on the security of the rates, taxes, and dues imposed and levied on account of the Municipal Fund, or a portion of them, and at such rate of interest, and upon such terms as to the time of repayment and otherwise as the Local Government may approve, any sums of money the Commissioners may require for the objects aforesaid.

The Commissioners shall be bound to sell or lease such land in the manner aforesaid, or themselves to carry out such sanctioned scheme of improvement as is above described within the term of two years from the date of their purchase or lease of such land, unless the Local Government shall specially extend such term. But it shall not be lawful for the Commissioners, without the special sanction of the Local Government, to keep in their own possession any land purchased or leased by them under this section for more than five years from the date of the completion of its reclamation and improvement under the provisions of this section, or for more than seven years from the date of its purchase or lease by them.

If Commissioners fail to act, Local Government may take steps.

287. In case the Commissioners should omit to take any action under sections two hundred and eighty-two or two hundred and eighty-three, or in the opinion of the Local Government should fail to give effect to the provisions thereof, the Local Government may cause any block of huts to be inspected by the Sanitary Commissioner for Bengal, who shall make a report in writing to the Local Government on the sanitary condition of the locality; and in the event of his reporting that that the sanitary condition of the locality is such as to be attended with risk of disease to the inhabitants or the neighbourhood, shall specify the huts which should be removed, the roads, drains, and sewers which should be constructed, and the low lands which should be filled up, with a view to the removal of the said risk of disease.

On receipt of report Local Government may order Commissioners to serve notice on owners.

288. On receipt of the said report, the Local Government may order the Commissioners to serve a notice on the owners or occupiers of the huts, or on the owner of the land on which such huts are built, requiring them to carry out and execute within a reasonable time, to be fixed by the Local Government for such purpose, all or any of the works specified in the said report, or any portion thereof respectively; and upon service of the said notice the Commissioners may proceed as provided in section two hundred and eighty-four, and shall be liable to all or any of the obligations imposed upon them by section two hundred and eighty-five.

If Commissioners make default in carrying out orders, Local Government may carry it out.

289. If the Commissioners make default in carrying out the said order of the Local Government, the Local Government may appoint some officer to perform the same, and such officer may exercise such of the powers conferred upon the Commissioners by sections two hundred and eighty-three and two hundred and eighty-four as are necessary for the execution of the said works, and shall be liable to all or any of the obligations imposed upon the Commissioners by section two hundred and eighty-five; and the expenses incurred by such officer in the execution of the said works shall be paid by the owner of the land:

Expenses may be recovered by instalments or remitted in case of poverty.

Provided that the Local Government may order the expenses so incurred to be recovered by instalments from the said owner, or if it should appear to the Local Government that the said owner is by reason of poverty unable to pay the same, may order the same, or any portion thereof, to be paid out of the Municipal Fund.

CHAPTER XII.

OF SANITARY MATTERS.

PART I.—*Of Slaughter-houses, Food, Drink, Drugs and Offensive Trades.*

No place shall be used as a slaughter-house without a license from the Commissioners.

290. No place shall be used as a slaughter-house within the limits of the municipality, unless a license in writing for the use thereof as a slaughter-house has been obtained from the Commissioners in meeting, who may, at their discretion, from time to time grant such license.

Whoever uses any place as a slaughter-house without such license shall be liable to a fine of twenty rupees.

Commissioners to provide places for slaughter-houses.

291. The Commissioners in meeting may from time to time, if they shall think fit, provide places within or without the limits of the municipality for the purpose of being used as slaughter-houses; and all places hereto-

fore provided by the Commissioners for the purpose of being used as slaughter-houses shall be deemed to have been provided under this section.

Markets, slaughter-houses, &c., to be properly drained.

292. Every owner, or occupier, or farmer of any place for the sale of meat, poultry, fish, or vegetables, or of any slaughter-house within the limits of the municipality shall cause such drains to be made therein as shall be considered sufficient by the Commissioners, and (if required so to do by the Commissioners) shall cause all the floors and drains to be paved with stone or burnt brick, and shall also cause a supply of water to be provided sufficient for keeping such place or slaughter-house in a clean and wholesome state.

Penalty.

If such owner, occupier, or farmer, after notice in writing given to him by the Commissioners that such market or slaughter-house is defective in any of the said particulars, and requiring him to remedy the defect specified within not less than thirty days, makes default therein, he shall be liable to a fine not exceeding fifty rupees for every day during which such default is continued.

Sale of unwholesome food or drink.

293. Any Justice of the Peace, on the application of the Commissioners or any of their officers, setting forth that there is just cause to believe that any article, which has been rendered or has become noxious or unfit for use as food or drink for man, is in the possession of any person for the purpose of being sold, offered, or exposed for sale, may grant a warrant to enter upon the premises of such person and to search for and seize such article;

and if it appear to the said Justice of the Peace that any such article whether discovered with or without a warrant under this section is noxious or unfit for such use, he shall order it to be forfeited and disposed of in such way as to him shall seem proper.

Powers to Commissioners to enter and inspect markets, shops, &c., and to seize unwholesome articles exposed for sale.

294. The Commissioners, or any person authorized by them in that behalf, may, at all reasonable times, enter into and inspect any market, building, shop, stall, boat, vessel, wharf, godown or other place used for the storage or sale of meat, poultry, fish, vegetables, corn, bread, flour, wine, spirits, or other food or drink, or as a slaughter-house, and may examine any of the aforesaid articles of food or drink which may be therein; and in case any of the aforesaid articles of food or drink appear to be intended for the food or drink of man, and to be unfit for such food or drink, may seize the same;

and if it appear to a Justice of the Peace that any of the aforesaid articles of food or drink is unfit for the food or drink of man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for sale or used for such food.

Suspension or revocation of license, &c.

295. Any Justice of the Peace before whom any person is convicted of an offence contrary to the provisions of this Act relating to slaughter-houses, or of the non-observance of any of the bye-laws relating thereto made under this Act, in addition to the fine which may be imposed on such person under this Act, may suspend, for any period not exceeding two months, the license granted to him under section two hundred and ninety;

and the Commissioners, upon the conviction of any person for a second or other subsequent like offence, may cancel his license.

Penalty for using slaughter-houses during suspension or revocation of license.

296. Whoever, during the period for which any such license is suspended, or after the same is cancelled as aforesaid, slaughters cattle, or allows cattle to be slaughtered in the slaughter-house to which such license relates, shall be liable to a fine not exceeding one hundred rupees, and to a further fine, not exceeding fifty rupees, for each day during which the offence is continued after he has been convicted of such offence.

Registry of shops for sale of drugs recognized by British Pharmacopœia.

297(1). No shop or place shall be kept for the retail sale of drugs recognized by the British Pharmacopœia, not being also articles of ordinary domestic consumption, unless the same shall have been registered in the office of the Commissioners. Any keeper of such shop or place failing to register the same within two months of the passing of this Act, or within two months from the date of the establishment of such place, shall be liable to a fine not exceeding one hundred rupees. The Commissioners shall, upon registration, grant the keeper of such shop or place a license, which he shall be bound to display in some conspicuous part of his premises.

(2). No person shall compound, mix, prepare, dispense, or sell any drug in any such registered shop or place unless he be duly certified as a fit person to be entrusted with such duties under rules to be hereafter made for that purpose by the Local Government.

(3). Any person not being a holder of such certificate, who shall compound, mix, prepare, or sell any drugs in any such registered shop or place, shall, on conviction before a Magistrate, be liable to a fine not exceeding fifty rupees for each offence, and any owner, occupier or keeper of any such shop or place who shall employ any such uncertified person to perform any one or more of such duties shall, on conviction before a Magistrate, be liable to a fine not exceeding two hundred rupees, and shall be further liable, at the discretion of such Magistrate, to forfeit his license.

Provided that the provisions contained in clauses (2) and (3) of this section shall not come into operation until after the expiration of a period of six months from the publication of a notification to that effect in the *Calcutta Gazette* by the Local Government.

Nothing in this section contained shall be construed to apply to the sale of drugs used by practitioners of indigenous medicines, whether these are recognized by the British Pharmacopœia or not, when such drugs are not sold in a shop or place where medicines recognized by such Pharmacopœia are dispensed upon prescription.

Inspection of drugs.

298. The Commissioners, or any person authorized by them in that behalf, may, at all reasonable times, enter into and inspect any place kept for the sale of drugs, or in which drugs are sold, and if they have reason to suspect that any drug

in the said place is adulterated, or by reason of age, or the effect of climate, has become inert or unwholesome, or has otherwise become deteriorated in such a manner as to lessen its efficacy, to change its operation or to render it noxious, may remove the same on giving a receipt specifying the nature and quantity of the drug removed and its approximate value; and if it appear to a Justice of the Peace that the said drug removed as aforesaid is adulterated, or has become inert, unwholesome, or deteriorated as aforesaid, he may order the same to be destroyed, or to be so disposed of as to him may seem fit. If it shall appear to the said Justice that the drug so removed is not adulterated or has not become inert, unwholesome, or deteriorated as aforesaid, the person from whose shop or place it has been taken shall be entitled to have it restored to him, and it shall be in the discretion of the said Justice to award him such compensation, not exceeding the actual loss which has been sustained, as such Justice may think proper.

Compensation if drug be not adulterated, &c.

If the drug removed as aforesaid is not brought before a Justice of the Peace, it shall be restored to the person from whose shop or place it was taken, and such person shall be entitled to compensation for any actual loss which he may have sustained by the removal of the said drug, and any dispute which may arise touching the amount of compensation to be given shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

Certain offensive and dangerous trades carried on within the municipality to be registered.

299. The owner or occupier of every place within the municipality used for any of the following purposes, namely—

(*a*) melting tallow;
(*b*) boiling offal or blood;
(*c*) as a soap-house;
(*d*) oil-boiling house;
(*e*) dyeing-house;
(*f*) tannery;
(*g*) brick, pottery, or lime kiln;
(*h*) sago manufactory;
(*i*) manufactory or place of business from which offensive or unwholesome smells arise;
(*j*) or as a yard or depôt for hay, straw, wood, or coal;

shall register the same at the office of the Commissioners in a book to be kept by them for that purpose, and the owner or occupier of any such place, who shall omit to register the same, shall be liable to a fine not exceeding one hundred rupees.

No such trades allowed without license.

300. No place shall be newly used within the municipality for any of the purposes mentioned in the last preceding section, except under a license from the Commissioners, who may, at their discretion, from time to time, grant such license.

Penalty.

301. Whoever, without a license, uses any such place for any such purpose, shall be liable to a fine not exceeding five hundred rupees, and to a further fine, not exceeding fifty rupees, for each day during which the said offence is continued after he has been convicted of such offence.

Commissioners may in certain cases order the use of slaughter-houses and the carrying on of dangerous and offensive trades to be discontinued.

302. If it be shown to the satisfaction of the Commissioners that any place licensed under section two hundred and ninety, or three hundred, or registered under section two hundred and ninety-nine, is a nuisance to the neighbourhood, they may give notice to the occupier to discontinue the use of such place within one month after the date of such notice.

Penalty.

Whoever, after the expiration of such time, uses such place, or permits it to be used, in such a manner as to be a nuisance to the neighbourhood, shall be liable to a fine not exceeding two hundred rupees, and to a further fine, not exceeding one hundred rupees, for each day during which the offence is continued after he has been convicted of such offence.

PART II.

Of Burial and Burning Grounds.

Burial and burning grounds to be registered.

303. The Commissioners may, if they think fit, cause a survey and measurement to be made of every burial and burning ground, and every place used as such; and every burial and burning ground and every place used as such shall be registered by the owner or the person having the control thereof, or, if there be no owner or person authorized to control the same, by order of the Commissioners, in a book to be kept by them for that purpose.

Penalty.

304. Whoever uses any such place as is mentioned in the last preceding section without the same being registered shall be liable to a fine not exceeding one hundred rupees, and to a further fine, not exceeding seventy rupees, for each day during which the offence is continued after he has been convicted of such offence.

Penalty.

305. Whoever knowingly buries or burns, or causes, procures, or suffers to be buried or burned, any corpse in or on any ground not registered as a burial or burning ground, shall be liable to a fine not exceeding one hundred rupees.

No vault or burial or burning place henceforth to be constructed without leave of the Commissioners.

306. No vault or grave shall be made within the walls of, or underneath, any church, chapel, or other place of public worship, and no burial or burning ground, whether public or private, shall be opened, made, or formed, otherwise than by, or under the authority of, the Local Government without a license, describing the extent and boundaries thereof, previously obtained from the Commissioners in meeting, other than an ordinary meeting, who may at their discretion, from time to time, grant such license.

Penalty.

307. Whosoever shall bury or burn, or cause permit, or suffer to be buried or burned, any corpse in any vault, grave, or burial or burning ground opened, made, or formed without such license, or contrary to the terms thereof, shall be liable to a fine not exceeding five hundred rupees.

Commissioners to issue certificates prohibiting the use of improper burial and burning places.

308. If the Commissioners in meeting, with the sanction of the Local Government, shall certify, in manner hereinafter provided, that any burial ground or place of burial, or that any place used for the burning of corpses, is in such a state as to be dangerous to the health of persons living in the neighbourhood thereof;

or that any church or other place of public worship is dangerous to the health of persons frequenting the same, by reason of the state of the vaults or graves within the walls of, or underneath, the same, or in any churchyard or burial ground adjacent thereto;

and shall also certify that a fitting place for interment or burning (as the case may be) exists within a convenient distance and is available, no person shall, after a time (not less than two months) to be named in such certificate, bury or burn, or permit or suffer to be buried or burned, any corpse in, upon, within, or under the ground, church, or place of worship to which the certificate relates, except in so far as may be allowed by such certificate.

Every such certificate shall be published in the *Calcutta Gazette*, and a translation thereof in Bengali shall, in the case of a burial or burning ground, be affixed conspicuously on some part of the said ground.

Penalty.

309. Whoever after due publication of such certificate, buries or burns, or causes, permits, or suffers to be buried or burned, any corpse contrary to the last preceding section, shall be liable to a fine not exceeding two hundred rupees.

Commissioners may, in certain cases, permit interment in churches, &c.

310. Notwithstanding any certificate under section three hundred and eight, where, by usage or otherwise, there is any right of interment in or under any church or chapel, or in any vault of such church or chapel, or of any churchyard, burial ground, or place of burial affected by such certificate or where any exclusive right of interment, or any exclusive right to ground for the purpose of interment, has been purchased or acquired, the Commissioners may, if on application made to them, they are satisfied that the exercise of such right or the use of such ground will not be injurious to health, grant a license for such exercise or use during such time and subject to such conditions and restrictions as they may think fit.

Power to license fuel shops at burning grounds.

311. The Commissioners shall, from time to time, grant licenses to persons applying for such, for the sale at burning grounds, of fuel and other articles used for the cremation of dead bodies, and shall in meeting, other than an ordinary meeting, prescribe a scale of rates for the sale of such articles; and any person not so licensed who shall, within three hundred yards of any such burning ground, sell or offer for sale any such fuel or other articles, shall be liable to a fine not exceeding fifty rupees.

The Commissioners may, on good and sufficient cause, revoke or withdraw any such license they may think fit, and any person to whom any such license is granted, who shall charge for the sale of any such article any higher rate than the rate fixed for such article in such scale, shall, at the discretion of the Commissioners, be liable to have his license cancelled, and shall also be liable to a fine not exceeding ten rupees.

The Commissioners shall not be bound to grant a fresh license to any person whose license may have been revoked, withdrawn, or cancelled under the provisions of this section.

CHAPTER XIII.

OF MARKETS.

Power to Commissioners to construct makets.

312. The Commissioners in meeting may, from time to time, if they shall think fit, with the sanction of the Local Government, provide places within the limits of the municipality for the purpose of being used as municipal markets, and the Commissioners may charge such rents, tolls, and fees as to them may seem fit for the use of, or right to expose goods for sale in such markets, and for the use of shops, stalls, and standings therein.

Recovery of fees.

313. All such rents, tolls, and fees which shall be imposed shall be recoverable by the Commissioners from the persons liable to pay the same as if the amounts payable in respect thereof were rates due to the Commissioners from such persons under the provisions of Chapter VI.

Power to Commissioners to acquire land for markets.

314. The Commissioners in meeting may, from time to time, if they shall think fit, with the sanction of the Local Government, acquire land by purchase, lease, or otherwise, in order to provide places within the limits of the municipality, for the purpose of being used as municipal markets, and for the like purpose may purchase or take on lease any land now used as a market, or registered as such, upon such terms, or subject to such conditions as they may consider necessary, and may appropriate any land now vested in, or belonging to them, and may set out the whole or such parts thereof as they may think necessary for the purposes of such municipal markets, and thereupon from time to time may build and maintain such municipal markets and such stalls, sheds, pens, and other buildings or conveniences for the use of the persons frequenting such municipal markets, and for the weighing and measuring goods sold in such municipal markets, and on such land as aforesaid, or on other land purchased for that purpose, and may make and maintain all such roads and approaches thereto as they may think necessary, and from time to time, in addition to the bye laws provided in Chapter XVI, make such bye-laws as they may think fit for all or any of the following purposes:—

and to make bye-laws.

(*a*) for regulating the control and use of such markets, and the buildings, stalls, pens, and standings therein, and for preventing nuisance or obstructions therein, or in the immediate approaches thereto;

(*b*) for preventing the use therein of false or defective weights, scales, or measures;

(*c*) for preventing the sale, or exposure for sale therein, of unwholesome meat, fish, or provisions;

(*d*) for the establishment and publication of a price-current and for prescribing the mode of

sale of articles, whether by measure, weight, tale, or piece;

(e) for keeping such markets in a cleanly and proper state, and for removing filth and refuse therefrom.

Power to expel persons breaking regulations.

315. The Commissioners may expel from any such municipal market any person who, or whose servants, may be convicted of disobeying any bye-law made under the last preceding section, and may prevent such person, by himself or his servants, further carrying on any trade or business in such market, or occupying any stall or shop therein, and may determine any lease or tenure which such person may have in any such stall or shop.

Power to Commissioners to sell or let markets.

316. The Commissioners in meeting may sell or let to tenants on lease, or otherwise, on such terms as they may think fit, any municipal market, or any part thereof, and may do all things necessary for carrying the provisions of this section into effect.

Power to Commissioners to close markets or to sell or let land formerly used as markets.

317. The Commissioners in meeting may close any municipal market, or any part thereof, or sell, or let out to tenants, on lease or otherwise, any land heretofore used as a municipal market, or any part thereof, on such terms as they may think fit, and may do all things necessary for carrying the provisions of this section into effect.

Power to Commissioners to carry on markets.

318. The Commissioners in meeting may out of the Municipal Fund and out of the moneys borrowed under the provisions of this Act, and out of moneys derived from the rents of buildings, stalls, pens, or standings in any municipal market, and from any fees realised from any municipal market, expend such sums of money as they may think necessary for the construction, maintenance, and keeping such municipal market in repair, and for any other purpose or purposes which the Commissioners may deem necessary for establishing or carrying on the same, or conducive thereto.

Power to grant licenses for markets. Duration of licenses.

319. It shall be within the discretion of the Commissioners in meeting to grant licenses for the use of any place as a market for the sale of meat, fish, fruit, and vegetables within the limits of the municipality, and every such license shall be in force until the first day of April next ensuing the day therein named for the commencement thereof.

Nothing contained in this section shall be held to impose upon any person the obligation of taking out a license for a market which has been registered under section 6 of Bengal Act VIII of 1871.

Penalty for permitting unauthorized places to be used as markets.

320. Whoever wilfully or negligently permits any place within the limits of the municipality (not being a market which has been registered under section 6 of Bengal Act VIII of 1871) to be used as a market for the sale of meat, fish, fruit, or vegetables, without a license under this Act, shall be liable to a fine not exceeding two hundred rupees, and to a further fine not exceeding fifty rupees for each day during which the said offence shall be continued after he has been convicted of such offence.

Power to close unlicensed place.

321. Whenever three convictions under the provisions of the last preceding section shall have been pronounced in respect of the same place within the space of one year, it shall be lawful for any Police Magistrate of Calcutta, on the application of the Commissioners, to order such place to be closed, and thereupon to appoint persons, or otherwise take order, to prevent such place being so used; and every person who shall sell or expose for sale meat, fish, fruit, or vegetables in any place which shall have been so closed shall be liable to a fine not exceeding ten rupees.

Commissioners may define ways in bazars.

322. The Commissioners in meeting may define, fix, and determine what portions of any market or bazar within the limits of the municipality shall be thrown into, and made part of, the existing approaches, roads paths, and ways in such market or bazar for the convenient use of persons resorting thereto; and shall signify the same by affixing, or causing to be affixed, in some conspicuous place or places in the market or bazar, a notice signifying the limits and description of the parts of the said market or bazar so to be kept and used as part of the approaches, roads, paths, and ways.

Commissioners may require works to be executed.

The Commissioners in meeting may, by notice in writing to the owner, proprietor, or lessee of any such market or bazar, require him, within a time to be specified therein, to execute the necessary works and take all necessary measures for the setting out, clearing, widening, and maintaining of the said approaches, roads, paths, and ways;

and may, in case of such default by their servants and workmen, enter into and upon the said market or bazar, and clear, set out, and widen the said approaches, roads, paths, and ways, and the expenses thereby incurred shall be paid by the person on whom the notice has been served.

Commissioners may alter approaches.

The Commissioners in meeting may from time to time vary and alter the said approaches, roads, paths, and ways as occasion may require, signifying the same by a like notice.

Penalty.

Whoever shall, after such notification, cause any obstruction or encroachment in or on any such approaches, roads, paths, or ways shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding ten rupees, for every day such obstruction or encroachment is continued after notice from the Commissioners to remove or discontinue the same.

Minimum of penalties.

323. Whenever any person who shall have been convicted of any offence under this chapter, or against any of the bye-laws made or to be made under this chapter, in respect to markets, shall again be convicted of an offence against the same provision, the fine to be inflicted for the first of such subsequent offences shall not be less than one moiety of the maximum fine provided for such offence; and for the second and every subsequent offence shall not be less than such maximum fine.

CHAPTER XIV.

OF THE GENERAL POWERS OF THE COMMISSIONERS.

PART I.—*Rights of Entry.*

Power to enter upon houses and land for the purposes of this Act.

324. The Commissioners shall, for the purposes of this Act, have power, by themselves or their officers, between sunrise and sunset, to enter upon any house or land, as well for the purpose of making any inspection, survey, or measurement, as for the purpose of executing any work authorized by this Act to be executed by them without being liable to any legal proceedings or molestation whatsoever on account of such entry, or of anything done on such house or land in pursuance of this Act:

Provided that, except as herein otherwise provided, the Commissioners or their officers shall not enter upon any house or land which may be occupied at the time, unless with the consent of the occupier thereof, without previously giving the said occupier twenty-four hours' notice of their intention to do so.

Power to Commissioners to enter on lands adjacent to works.

325. The Commissioners, or their officers or servants, may enter upon the land of any person adjoining to, or being within the distance of one hundred yards of any works by this Act authorized to be made, for the purpose of depositing upon such land any soil, gravel, sand, lime, brick, stone, or other materials, or for any other purposes connected with the formation of the said works, without making any previous payment, tender, or deposit, doing as little damage as may be in the exercise of the several powers hereby granted to them, and making compensation for such temporary occupation of, or temporary damage to, the said land to the owner and occupier thereof from time to time, and as often as any such temporary occupation shall be taken, or such temporary damage done, and making compensation to the owner also for the permanent injury (if any) to such land;

and if any dispute shall arise touching the amount or apportionment of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses:

Provided that, before the Commissioners make any such temporary use as aforesaid of any land adjoining or lying near to the said works, they shall give three days' notice of such their intention to the owner and occupier of such land, and shall set apart, by sufficient fences, so much of the land as shall be required to be used as aforesaid from the other land adjoining thereto.

Powers to be exercised by the Commissioners when constructing drains and aqueducts without the town.

326. For the purpose of laying pipes or constructing aqueducts for bringing water into the municipality from any place without the limits thereof, or for the purpose of making sewers or drains to communicate with, or empty themselves into, any public sewer, lake, stream, canal, or water-course, without the said limits, the Commissioners, their officers, and servants may, whenever a plan for laying down any such pipes, or constructing any such aqueduct, sewer, or drain, shall have been approved by the Local Government, exercise, in the laying of such pipes and construction of such aqueduct, sewer, or drain throughout the line of country through which the said pipes, aqueduct, sewer, or drain are to run, all the powers which by this Act they may exercise within the limits of the municipality, and which may be necessary for the laying of such pipes, or the construction of such aqueduct, sewer, or drain, without being subject to any action or molestation whatever for so doing;

and the Magistrate of any district through which the said pipes, aqueduct, sewer, or drain are to run may exercise in respect thereof the like powers and jurisdiction, within the limits of his own district, as a Justice of the Peace may under this Act exercise in respect of any work to be executed by the Commissioners within the limits of the municipality.

Penalty for obstructing persons employed by the Commissioners in their duty.

327. Whoever at any time obstructs or molests any person employed by the Commissioners (not being a public servant within the meaning of section 21 of the Indian Penal Code), or any person with whom they may have contracted under the provisions of this Act, in the performance and execution of their or his duty, or of anything which they are respectively empowered or required to do by virtue or in consequence of this Act; or removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorized by this Act, shall be liable to a fine not exceeding two hundred rupees, or, in the discretion of the Justice of the Peace before whom he is convicted, to imprisonment for any term not exceeding two months.

PART II.—*Of the Purchase and Sale of Land.*

Commissioners may purchase, sell, and lease land for the purposes of this Act.

328. The Commissioners in meeting, may purchase land, whether within or without the limits of the municipality, for any of the purposes of this Act, and may sell any land vested in them and not required for the purposes of this Act, or may dispose of the same on lease; and the Commissioners may receive the rent of the same on such terms as they may think fit.

Commissioners may rent and take on lease land.

329. The Commissioners in meeting, may from time to time pay rent for, or take on lease, on such term as they may think fit, any land required for the purposes of this Act.

Land may be acquired under Land Acquisition Act.

330. Any land required for the purposes of this Act may be acquired under the provisions of the Land Acquisition Act, 1870, and on payment by the Commissioners, out of the Municipal Fund, of the compensation payable under this Act, the land shall vest in them for the purposes of this Act.

PART III.—*Of Railways.*

Power to construct railway.

331. The Commissioners in meeting, may, upon any of the public streets within the limits of the municipality, or upon any land within or without such limits, which is vested in the Commissioners, construct or maintain any railway which to the Commissioners may appear to be useful or necessary for the purposes of this Act,

and use and employ upon any such railway, by them heretofore constructed or hereafter to be constructed, such locomotive engines or other moving power, and such carriages and wagons to be drawn or propelled thereby,

carry and convey upon such railway all such passengers and goods as shall be offered to them for that purpose,

and make such reasonable charges in respect thereof as they may from time to time determine upon.

Power to permit carriages to run on railway.

332. The Commissioners in meeting, from time to time may enter into any contract with any person for the passage over any railway already constructed by the Commissioners, or hereafter to be constructed by them, of the engines, wagons or other carriages of such person, upon the payment of such tolls or rent, and under such conditions and restrictions as may be mutually agreed upon.

Power to lease railway.

333. The Commissioners in meeting, may, lease any railway constructed or to be constructed by them under the provisions hereinbefore contained, to any person upon such terms and under such conditions and restrictions as may be mutually agreed upon; and every person to whom any such railway shall be so leased by the Commissioners shall, subject to such conditions and restrictions as aforesaid, have all such and the same powers of maintaining the same, and for using and employing thereupon locomotive engines and other moving power, and carriages and wagons to be drawn or propelled thereby, and for carrying and conveying thereupon passengers and goods, and making charges in respect thereof, as the Commissioners would have had if such railway had not been leased.

The Commissioners in meeting, may, from time to time enter into any contract with any person for the purpose of the construction of any railway within or without the limits of the municipality and for the purpose of maintaining and working of the same.

PART IV.—*Of Hospitals.*

Power to support hospitals.

334. The Commissioners in meeting, other than an ordinary meeting, may apply such sum as to them may seem proper in or towards the maintenance and support of such hospitals for such purposes as they may think fit.

CHAPTER XV.

OF THE MUNICIPAL DEBT.

Power to Commissioners to borrow on the security of rates and taxes.

335. For the construction of works of a permanent nature under this Act, the Commissioners in meeting, may, with the sanction of the Local Government, from time to time borrow by way of debenture, on the security of the rates, taxes, and dues imposed and levied on account of the Municipal Fund, or of a portion of them, and at such rate of interest and upon such terms as to the time of repayment and otherwise as the Local Government may approve, any sums of money the Commissioners may require for the objects aforesaid.

Form of security.

336. All the debentures aforesaid issued under the authority of this Act shall be in the form contained in the seventh schedule, and shall be transferable by endorsement, and the right to sue in respect of the moneys secured by any of such debentures shall be vested in the holders thereof for the time being without any preference by reason of some of such debentures being prior in date to others.

Payment of moneys due on old debentures by issue of fresh debentures.

337. The Commissioners in meeting, may at any time, with the sanction of the Local Government, raise, by the issue of new debentures, any money that may be required to pay any moneys for the time being due on any debentures issued under the authority of this Act, or of any enactment hereby expressly repealed.

Establishment of reserve fund.

338. The Commissioners shall set aside yearly out of their annual income, before making any disbursements in respect thereof,

firstly, such sum as may be required for the payment of the interest which may fall due on any debentures issued under the authority of this Act, or of any enactment hereby expressly repealed;

secondly, a sum of not less than two per cent. on the total sum borrowed by the Commissioners for the purposes of any enactment hereby expressly repealed, exclusive of the sum now due, or of any sum which may hereafter become due, by them, to the Secretary of State for India in Council, and shall appropriate the same, so far as it is required or will extend, to repay the amount (if any) of such loans or debentures issued by them as shall fall due in the course of the year.

Surplus to be invested.

339. The Commissioners shall invest the surplus (if any) of the said sum, after repayment as aforesaid, or in case there has not been any amount due or paid in respect of such loans or debentures during the year, then they shall invest the whole of the said sum in Government securities, or in any securities guaranteed by Government, or in Calcutta municipal debentures, in the names of the Secretary to the Government of Bengal in the Revenue Department and the Accountant-General of Bengal respectively for the time being, to be by them held as Trustees for the purpose of repaying at due date from time to time the several loans contracted or debentures issued by the Commissioners. And all moneys and securities now held by any Trustees for the Commissioners, for the purpose of paying off any sums borrowed by them, not being sums borrowed from the Secretary of State for India in Council, shall be held by them upon the trusts hereinbefore declared.

All interest accruing due to the Trustees shall also from time to time be invested by them in like manner and held upon the like trust.

Provision as to repayment of certain future loans.

340. The Commissioners, after providing for all payments directed under section three hundred and thirty-eight, and for any stipulated payments to any sinking or reserve fund held by them or their Trustees against sums borrowed under section three hundred and thirty-five, shall set aside yearly, out of their annual income, in respect of all sums borrowed by them after the 1st day of April 1881 for the purpose of carrying out or extending the water-supply and drainage schemes, a sum of not less

than one per cent. on the net amount of all such loans outstanding on the first day of April of each year: that is to say, a sum of not less than one per cent. on the total amount of such loans, after deducting therefrom the total sum accruing from such one per cent. reservations during the year preceding such first day of April, and shall appropriate the said sum of one per cent., so far as it is required or will extend, to repay the amounts, if any, of such loans as shall fall due in the course of the year.

And they shall invest the surplus (if any) of the said sum, after repayment as aforesaid; or in case there has not been any amount due or paid in respect of such loans during the year, then they shall invest the whole of the said sum in Government securities or in any securities guaranteed by Government, or in Calcutta Municipal debentures, in the names of the Secretary to the Government of Bengal in the Revenue Department and the Accountant-General of Bengal respectively for the time being, to be by them held in a separate account as Trustees for the purpose of repaying at due date from time to time the loans contracted by the Commissioners for the purposes aforementioned after the said first day of April 1881.

Appropriation of reserve fund.

341. The Trustees shall from time to time, whenever any loans or debentures shall fall due by the Commissioners, realize the whole or a sufficient portion of the securities held by them as aforesaid and appropriate the sale proceeds thereof, so far as the same will extend, to satisfy such loans or debentures. The Trustees shall, at the end of every year, submit a statement to the Commissioners showing the amount which has been invested during the year under section three hundred and thirty-eight or section three hundred and forty, respectively, and setting forth the date of the last investment made previous thereto, and also the aggregate amount of the securities then in their hands, and the aggregate amount which has up to the date thereof been paid off in respect of the said debentures and loans.

Account of reserve fund.

Such statement shall be laid before the Commissioners and published in the *Calcutta Gazette*.

CHAPTER XVI.

OF BYE-LAWS.

Power to make bye-laws.

342. The Commissioners may from time to time make bye-laws, not inconsistent with the provisions of this Act, to regulate—

(*a*) all matters and things connected with the supply and use of water;

(*b*) the time and place of bathing for persons of each sex in places provided or set apart for bathing purposes;

(*c*) the deposit of dirt, dust, filth, and refuse of any kind whatsoever, the removing and carrying away the same, and charging the person making the deposit with the expenses of removing it;

(*d*) the duties to be performed by tolah mehters under section two hundred and forty-four, and the boundaries within which they are to be performed;

(*e*) the management and charges for places provided for slaughter-houses under section two hundred and eighty-eight;

(*f*) the inspection and management of, and conduct of, business in markets and slaughter-houses, and the keeping the same in a proper and cleanly state;

(*g*) the inspection of places used for any of the purposes mentioned in section two hundred and ninety-seven, and the management and conduct of business within the same;

(*h*) the inspection and management of burial and burning grounds;

(*i*) and generally for carrying out the purposes of this Act.

and to repeal or alter them.

341. The Commissioners may from time to time repeal, alter, or add to their bye-laws.

Bye-laws and alterations of them to be confirmed by Local Government.

343. No bye-law, and no repeal or alteration of, or addition to, any bye-law shall have effect until the same has been confirmed by the Local Government.

Bye-laws and alterations of them to be published before confirmation.

344. No bye-law, and no repeal, or alteration of, or addition to, any bye-laws shall be confirmed until the same has been published in the English and Bengali Government Gazettes at least three times, nor till one month has elapsed from the date of the first publication, during which period a copy of such proposed bye-law, or the repeal or alteration of, or addition to any bye-law shall be kept at the office of the Commissioners, and all persons may at any time between ten o'clock in the morning and five o'clock in the afternoon inspect such copy without fee.

After confirmation bye-laws to be published in Gazette.

345. Every bye-law, and every repeal or alteration of, or addition to any bye-law, when confirmed, shall be published in the English and Bengali Government Gazettes, and a copy thereof in English and Bengali shall be painted or placed on boards which shall be hung up in some conspicuous part of the office of the Commissioners.

Penalty.

346. Whoever infringes any bye-law made and confirmed under this Act shall be liable to a fine not exceeding twenty rupees and to a further fine, not exceeding ten rupees for each day during which the offence is continued after he has been convicted of such offence.

CHAPTER XVII.

OF PROSECUTIONS.

Commissioners may direct prosecutions.

347. The Commissioners may direct any prosecution for any public nuisance whatsoever, and may order proceedings to be

taken for the punishment of any person offending against any of the provisions of this Act, and for the recovery of any fines imposed under this Act, and may order the expenses of such prosecutions and proceedings to be paid out of the Municipal Fund:

Provided that nothing herein contained shall preclude any person from instituting a prosecution for nuisance, or from giving information and instituting a prosecution under the next succeeding section.

Prosecutions to be before a Justice of the Peace.

348. Every prosecution under this Act, except as provided in section three hundred and fifty, may be instituted before any Justice of the Peace;

and every fine imposed under this Act may be recovered by a summary proceeding before any Justice of the Peace upon an information exhibited by order of the Commissioners,

and in default of payment of such fine, the same may be levied under the warrant of such Justice of the Peace by distress and sale of the moveable property of the offender, with all such powers for the issuing of such warrant, and upon the return thereof, as are exercised by a Magistrate of Police under the Calcutta Police Act, 1866, or any other Act for the time being in force for regulating the Police of the Town of Calcutta.

And if the fine cannot be so levied, the offender may be punished by such Justice of the Peace with rigorous or simple imprisonment, as defined in section 53 of the Indian Penal Code, for a term not exceeding two months.

Procedure on prosecution.

349. Whenever any prosecution shall be instituted before any Justice of the Peace under this Act, he may summon the person charged to appear at a time and place to be mentioned in the summons; and if such person shall not so appear, such Justice of the Peace may, upon proof of service of the summons, if no sufficient cause shall be shown for the non-appearance of the person charged, proceed to hear and determine the case in his absence.

Such Justice of the Peace may exercise all such powers connected with the summoning and enforcement of the attendance of witnesses and the production of documents as are conferred on a Magistrate by the Calcutta Police Act, 1866, or any other Act for the time being in force for regulating the procedure of the Police Magistrates' Courts in Calcutta.

Prosecution under section forty-four to be instituted as under Penal Code.

350. Every prosecution under section forty-four shall be instituted before such Magistrate or Court as would have jurisdiction to entertain a charge of the nature described in section 161 of the Indian Penal Code.

How a Justice may award a fine.

351. The Justice of the Peace by whom any fine is imposed under this Act may award any portion, not being more than one-half thereof, to the informer, and shall order the remainder or, if he make no award to the informer, the whole of such fine to be paid to the Municipal Fund.

Complaint to be made with two months of the offence.

352. No person shall be liable to any fine under this Act for any offence cognizable by a Justice of the Peace unless the complaint respecting such offence shall have been made before a Justice of the Peace within two months next after the commission of such offence:

Provided that the failure to take out any license under this Act shall be deemed to be a continuing offence until the expiration of the period for which such license is required to be taken out.

Person doing damage to the property of the Commissioners to make good the same.

353. If, through any act, neglect, or default on account whereof any person shall have been fined under this Act, any damage to the property of the Commissioners shall have been committed by such person, he shall be liable to make good such damage, as well as to pay such fine;

and the amount of such damage shall, in case of dispute, be determined by the Justice of the Peace by whom such person has been fined;

and on default of payment of the amount of such damage on demand, the same may be levied in the same manner as a fine.

CHAPTER XVIII.

OF THE RECOVERY OF DAMAGES AND EXPENSES.

Damages and expenses how to be determined.

354. Where any damages, costs, or expenses are by this Act directed to be paid, the amount and, if necessary, the apportionment of the same in case of dispute, shall be ascertained and determined by the Court of Small Causes:

Provided that, when any work is executed by the Commissioners under this Act in default of the owner or occupier of the house or land doing such work, the expenses thereby incurred may be recovered by the Commissioners as a rate under Chapter VI.

Method of proceeding before a Judge of a Court of Small Causes.

355. In any case which is to be determined by the Court of Small Causes under this Act, the said Court may, on the application of either party, summon the other party to appear at a time and place to be named in such summons.

Upon the appearance of the parties, or, in the absence of any of them, upon proof of due service of the summons, the said Court may hear and determine such question, and for that purpose may examine such parties, or any of them, and their witnesses on oath; and the costs of every such enquiry shall be in the discretion of the said Court, which shall determine the amount thereof.

Recovery of damages by distress.

356. If the amount of damages, costs, or expenses ascertained in the manner above described be not paid by the party liable to pay the same within seven days after demand, such amount may be recovered, under a warrant of the said Court, by distress and sale of the moveable property of such party; and the surplus arising from the sale thereof, after satisfying such amount and the costs of the distress and sale, shall be returned on demand to the party whose property shall have been distrained.

Commissioners may sue in any competent Court instead of realizing by, or on failure of, distress.

357. Instead of proceeding by distress and sale, and in case of failure to realize by distress the whole or any part of any expenses, charges, or damages awarded under the provisions of this Act, the Commissioners may sue the person liable to pay the same in any Court of competent jurisdiction.

CHAPTER XIX.

MISCELLANEOUS.

Limitation of three months to suit against Commissioners or their officers.

358. No suit shall be brought against the Commissioners, or any of their officers, or any person acting under their direction, for anything done under this Act until the expiration of one month next after notice in writing has been delivered or left at the office of the Commissioners, or at the place of abode of such person, stating the cause of suit and the name and place of abode of the intending plaintiff.

Unless such notice be proved, the Court shall find for the defendant.

Every such suit shall be commenced within three months next after accrual of the right to sue, and not afterwards.

If any person to whom any such notice of suit is given shall, before the suit is brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover in any such action when brought; and if no such tender shall have been made, it shall be lawful for the defendant in such action, by leave of the Court where such action shall be pending at any time before issue joined, to pay into Court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into Court.

Payment out of Municipal Fund for damage done by the Commissioners.

358. The Commissioners may make compensation out of the Municipal Fund to all persons sustaining any damage by reason of the exercise of any of the powers vested in the Commissioners, their officers or servants under this Act.

Fees for licenses under sections 244 and 290, and for permission given under section 212.

359. When any license is granted under section two hundred and forty-four, or two hundred and ninety, authorizing the use of any place for any of the purposes therein described, and when permission is given under section two hundred and twelve for putting up any projection, the Commissioners may charge a fee not exceeding one hundred rupees for such license or permission.

Daily fee for permission given under section 201.

When permission is given under section two hundred and one to make any temporary erection, the Commissioners may charge a daily fee not exceeding one hundred rupees for such permission.

Rent may be charged for permission given under sections 215 and 274.

360. When permission is given under section two hundred and fifteen or section two hundred and seventy-four, the Commissioners may charge rent for any land made use of in pursuance of such permission.

Every person to produce license if required.

361. Every person to whom a licence has been granted under this Act shall, at all reasonable times while such license shall remain in force, if thereunto required by the Commissioners, or by any person authorized by them in that behalf, produce such license to the Commissioners or to the person so authorized.

Penalty.

362. Whoever fails to produce his license when required to do so as aforesaid shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding ten rupees, for each day during which the offence is continued after he has been convicted of such offence.

How notice, &c., may be served.

363. Every notice, bill, form, summons, or notice of demand under this Act may be served personally on, or presented to, the person to whom the same is addressed. Or be left at his usual place of abode with some adult male member or servant of his family, or at his place of business with some clerk of the office,

or if it cannot be so served or presented, may be put on some conspicuous part of his place of abode,

or of his place of business,

or of the house or land in respect of which the notice, bill form, summons, or notice of demand is intended to be served.

Service of notice on owners and occupiers of houses and land.

364. Where any notice is required to be given to the owner or occupier of any house or land, such notice, addressed to the owner or occupier, as the case may require, may be served on the occupier of such house or land, or otherwise in the manner in the last preceding section mentioned:

Provided that, when the owner and his place of abode are known to the Commissioners, they shall, if such place of abode be within the limits of their authority, cause every notice required to be given to the owner of any house or land to be served on such owner or left with some adult male member or servant of his family,

and if the place of abode of the owner be not within such limits, they shall send every such notice by post in a registered cover addressed to his place of abode, and the same shall be deemed to be good service of the notice.

When the name of the owner or occupier is not known, it shall be sufficient to designate him as "the owner" or "the occupier" of the house or land in respect of which the notice is served.

Commissioners, in default of owner or occupier, may execute works and recover expenses.

365. Whenever any work is required by this Act to be executed by the owner or occupier of any house or land, and default is made in the execution of such work, the Commissioners, whether any penalty is or is not provided for such default, may cause such work to be executed;

and the expenses thereby incurred shall be paid by the person by whom such work ought to have been executed, and in default of payment thereof the same may be recovered as a rate under Chapter VI.

366. If the defaulter, as mentioned in the last preceding section, be the owner of any house or land, the Commissioners may, by way of additional remedy, whether any suit or proceeding has been brought or taken against any such owner or not, require the payment of all or any part of the expenses payable by the owner for the time being from the person who then, or at any time thereafter, occupies the house or land under such owner, and in default of payment thereof by such occupier on demand, the same may be recovered as a rate under Chapter VI;

Power to levy charges on occupier, who may deduct the same from his rent.

and every such occupier shall be entitled to deduct from the rent payable by him to the owner so much as is so paid by, or recovered from, him in respect of any such expenses.

367. No occupier of any house or land shall be liable to pay more money in respect of any expenses charged by this Act on the owner thereof than the amount of rent due from him for the house or land in respect of which such expenses are payable at the time of the demand made upon him, or which, at any time after such demand, has accrued and become payable by him, unless he neglect or refuse, upon a requisition made to him for that purpose by the Commissioners, truly to disclose the amount of his rent, and the name and address of the person to whom such rent is payable;

Occupier not to be liable for more than the amount of rent due.

but nothing in this section shall affect any special contract made between any such owner or occupier respecting the payment of the expenses of any such works as aforesaid.

368. Whenever default is made by the owner of any house or land in the execution of any work required to be executed by him, the occupier of such house or land may, with the approval of the Commissioners, cause such work to be executed, and the expense thereof shall be paid to him by owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

Occupier, in default of owner, may execute works and deduct expenses from his rent.

369. If the occupier of any house or land prevent the owner thereof from carrying into effect, in respect of any house or land, any of the provisions of this Act, after notice of his intention so to do has been given by the owner to such occupier, any Justice of the Peace may, in writing, require such occupier to permit the owner to execute all such works with respect to such house or land as may be necessary for carrying this Act into effect,

Proceedings in case of tenants opposing the execution of this Act.

and if, after the expiration of eight days from the date of the order, such occupier continue to refuse to permit such owner to execute such works, every such owner, during the continuance of the refusal, shall be discharged from liability to any fines to which he might otherwise have become liable by reason of default in executing such works.

370. Whoever, being the occupier of any house or land, fails to comply with any requisition made by a Justice of the Peace under the last preceding section, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence.

Penalty.

371. No tax or rate on property made under this Act shall be invalid for defect of form, and it shall be enough in any such tax or rate, or any assessment of value for the purpose of making such tax or rate, if the property rated or assessed is so described as to be generally known, and it shall not be necessary to name the owner or occupier thereof.

Formal defects not to invalidate tax or assessment.

372. Whenever the Commissioners shall have incurred any expenses in the execution of any of the works which under sections two hundred and two, two hundred and seventy-six, two hundred and seventy-eight, and two hundred and eighty, the owners of any houses or lands are required to execute, the Commissioners may either recover the amount of such expenses in the manner therein provided, or, if they think fit, may take engagements from the said owners for the quarterly payment of such sums as will be sufficient to defray the whole amount of the said expenses, with interest thereon at the rate of six per centum per annum, within a period not exceeding five years, and such sums, when due, may be recovered as rates under Chapter VI.

Recovery of expenses on account of improvements to private property.

373. All police officers shall give immediate information to the Commissioners of any offence committed against this Act.

Police officers to report offences to Commissioners and to arrest unknown offenders.

Any police officer may arrest any person committing in his view any offence against this Act, if the name and the address of such person be unknown to him,

or if such person decline to give his name and address,

or if the police officer shall have reason to doubt the accuracy of such name and address if given.

And such person may be detained at the station-house until his name and address shall be correctly ascertained, or may be brought up at once before a Justice of the Peace.

374. If the Local Government shall have determined that any portion of the environs of the municipality shall be included in the water-supply authorized by this Act, and if the Local Government shall have declared the boundaries thereof by notification in the *Calcutta Gazette*, then, in respect of such extension of such water-supply, sections one hundred and thirty-seven to one hundred and sixty-eight, both inclusive, shall have effect within the boundaries so declared;

Certain provisions of Act may be extended.

and all such expenses and compensation as, under the said sections and by the provisions of this Act, may be determined by the Court of Small Causes, may be ascertained and determined by any Court of Small Causes having jurisdiction within such boundaries; and all fines payable in respect of such sections, and under this Act, shall be enforced in the manner prescribed by section 307 of the Code of Criminal Procedure by the Magistrate having jurisdiction within such boundaries.

Houses used for public worship exempt from rates and taxes.

375. Houses used exclusively for purposes of public worship shall be exempt from all rates and taxes which under this Act may be imposed upon houses and land within the town.

Saving clause.

376. Nothing in this Act contained shall be construed to—

(*a*) render lawful any act or omission on the part of any person, which, but for this Act, would, by law, be deemed to be a nuisance:

(*b*) exempt any person guilty of nuisance from a suit in respect thereof:

(*c*) effect any enactment not hereby expressly repealed.

FIRST SCHEDULE.

BOUNDARIES OF WARDS.

(*See Section* 15.)

Ward No. 1.—Bounded on the north and east by the Circular Canal; south by Grey Street and Ooltadanga Road; west by Upper Chitpore Road.

Ward No. 2.—Bounded on the north by the Mahratta Ditch; west by river Hooghly; south by Nimtollah Ghât Street; east by Upper Chitpore Road.

Ward No. 3.—Bounded on the north by Ooltadanga Main Road, the Mahratta Ditch, and Grey Street; south by Beadon Street and Manicktollah Road; west by Upper Chitpore Road; east by the Circular Canal.

Ward No. 4.—Bounded on the north by Beadon Street and Manicktollah Road; south by Machooa Bazar Road; east by the Circular Canal Narikhaldanga Road; and west by Cornwallis Street.

Ward No. 5.—Bounded on the north by Nimtollah Ghât Street; south by Cotton Street and Meerboher Ghât Street; east by Upper Chitpore Road; west by river Hooghly.

Ward No. 6.—Bounded on the north by Beadon Street; south by Machooa Bazar Road; east by Cornwallis Street; west by Upper Chitpore Road.

Ward No. 7.—Bounded on the north by Cotton Street and Meerboher Ghât Street; south by Loll Bazar Street, Dalhousie Square, North and Fairlie Place, east by Lower Chitpore Road; west by river Hooghly.

Ward No. 8.—Bounded on the north by Machooa Bazar Road; south by Bow Bazar Street; east by College Street; west by Lower Chitpore Road.

Ward No. 9.—Bounded on the north by Machooa Bazar Road and Narikhaldanga Road; south by Bow Bazar Street; and the Balliaghatta Road; east by the Circular Canal; west by College Street.

Ward No. 10.—Bounded on the north by Bow Bazar Street; south by Dhurrumtollah Street; east by Wellington Street; west by Bentinck Street.

Ward No. 11.—Bounded on the north by Bow Bazar Street; south by Dhurrumtollah Street; east by Lower Circular Road; west by Wellington Street.

Ward No. 12.—Bounded on the north by Loll Bazar Street, Dalhousie Square and Fairlie Place; south by Esplanade Row; east by Bentinck Street; west by river Hooghly.

Ward No. 13.—Bounded on the north by Dhurrumtollah Street; south by Kid Street, Free School Street, and South Culinga Street; east by Wellesley Street; west by Chowringhee Road.

Ward No. 14.—Bounded on the north by Dhurrumtollah Street; south by South Culinga Street; east by Lower Circular Road; west by Wellesley Street.

Ward No. 15.—Bounded on the north by South Culinga Street; south by Theatre Road; east by Lower Circular Road; west by Wellesley Street and Wood Street.

Ward No. 16.—Bounded on the north by Kyd Street and South Culinga Street; south by Theatre Road; east by Wellesley Street and Wood Street; west by Chowringhee Road.

Ward No. 19.—Entally; corresponding with so much of Police Section F as falls within the municipal area..

Ward No. 20.—Baniapookur; corresponding with Police Section G so far as falls within the municipal area.

Ward No. 21.—Ballygunge and Tallygunge, corresponding with Police Sections H and J so far as they fall within the municipal limits.

Ward No. 22.—Bhowanipore; corresponding with Police Section I.

Ward No. 23.—Alipore; corresponding with Police Sections K and L so far as they fall within municipal limits.

Ward No. 24.—Ekbalpore; corresponding with Police Section N so far as it falls within the municipal area.

Ward No. 25.—Watgunge and Garden Reach; corresponding with Police Sections M and O so far as they fall within the municipal area.

SECOND SCHEDULE.

(*See Section* 73.)

TAX ON CARRIAGES AND ANIMALS.

	Per half-year. Rs. A. P.
For every four-wheeled carriage drawn by two horses ...	12 0 0
If more than one such carriage, then for every such carriage after the first, two-thirds of the above rate.	
For every four-wheeled carriage drawn by one horse, or pony or mule, or a pair of ponies or mules under thirteen hands ...	6 0 0
If more than one such carriage, then for every such carriage after the first, two-thirds of the above rate.	
For every two-wheeled carriage...	6 0 0
For every horse (*not a race horse*), pony, or mule	6 0 0
For every race horse ...	12 0 0
For every pony or mule under thirteen hands ...	2 0 0

THIRD SCHEDULE.

(*See Section* 83.)

LICENSE ON PROFESSIONS, TRADES, AND CALLINGS.

Class I.

	Yearly. Rs.
Every Joint Stock Company ...	100

Class II.

Every merchant, banker, shroff, baŭian, wholesale trader, and commission agent, and every practising surgeon, physician, dentist, architect, civil engineer, builder, contractor, carrying company, barrister, attorney, procter, notary public, and pleader of the High Court	50
Every owner or farmer of a hât or bazar	
Every owner of cotton, jute, hide, or other screws, and every auctioneer	
Every hotel-keeper, boarding house keeper, lodging-house keeper, shop-keeper, plumber, gas-fitter, manufacturer, or retail trader, whose shop or place of business is assessed under Chapter V at one hundred rupees a month or upwards	

Class III.

Every broker or dalall employed in the wholesale transfer or purchase of imports or exports, country produce, silk, or other merchandize...	25
Every broker or dealer in precious stones, houses, landed property, Government securities, shares, and bills-of-exchange, and every freight broker	
Every practising licentiate of medicine, apothecary, and veterinary surgeon	25
Every owner of a dispensary, spirit or liquor shop, or shop for the sale of intoxicating drugs, and punch-house or billiard-room, wholesale tobacco or jute depôt ...	
Every owner of a steam ferry-boat or cargo-boat	
Every hotel-keeper, boarding-house keeper, lodging-house keeper, plumber, gas-fitter, carriage and horse-dealer, shop-keeper, manufacturer or trader, whose shop or place of business is assessed under Chapter V at or above twenty-five rupees, but at less than one hundred rupees a month... ...	
Every pawn-broker, money-lender, and every person having a shop or place of business registered under section two hundred and ninety-one or licensed under section two hundred and ninety-two ...	
Every pleader, mookhtear, or law agent not included in class II ...	

NOTE.—Animals under eleven hands in height, and carriage the wheels of which do not exceed twenty-four inches in diameter, re exempted.

	Rs.
Class IV.	
Every hotel-keeper, boarding and lodging-house keeper, owner of a carriage or a palanquin let out for hire, plumber, gas-fitter, band-supplier, carrier, stamp vendor, carriage or horse-dealer, shop-keeper, manufacturer or trader whose shop or place of business is assessed under Chapter V at or above ten rupees, but at less than twenty-five rupees a month	12
Every keeper of a permanent stall at a daily public market or in a chowk	
Every poddar or money-changer ...	
Every hakeem and koberaj, practising native doctor ...	
Every order supplier, cooly supplier, shipping agent, or boat supplier ...	
Class V.	
Every keeper of a shop not included in any other class, and every dalall not included in class III ...	4
Every pedler, hawker, box-wallah, and midwife	
Class VI.	
All itinerant dealers hawking goods for sale in baskets or trays... ...	1

NOTE.—A person who carries on several kinds of business, and may come under more than one of the designations in this schedule, shall be chargeable only under one of such designations, at the discretion of the Commissioners; and in the case of a firm consisting of two or more persons, payment by any one of such persons shall be considered payment by the firm.

FOURTH SCHEDULE.

(*See Section* 130.)

NOTICE OF DEMAND.

TAKE notice that the Commissioners of Calcutta demand from you the sum of
due from* [you] as owner (*or occupier*) (*here describe the property or thing upon which the rate or tax is imposed*) for the months of
187 ; and that if the sum due, together with
for this notice, is not paid into the office of the said Commissioners at
or if sufficient cause for the non-payment of the sum is not shown to the Commissioners within seven days from the service of this notice, a warrant of distress will be issued for the recovery of the same with costs.

(*Signature of the Chairman, Vice-Chairman, Secretary, or Assessor.*)

L.

Date———

* In the case of a demand on the occupier of a house under section one hundred and twenty-six, state that notice of demand has been served upon the owner, and that the sum due remains unpaid.

FIFTH SCHEDULE.

(*See Section* 130).

DISTRESS WARRANT.

To (here insert the name of the Officer charged with the execution of the warrant).

WHEREAS of has not paid or shown sufficient cause for the non-payment of the sum of rupees due for the rates (*or taxes*) (*or taxes and rates*) mentioned in the margin for the months of 187 although the said sum has been duly demanded in writing from the said and seven days have elapsed since the service of the notice of demand: This is to command you to distrain the moveable property of the said

(*or, as the case may be any moveable property found on the premises referred to*) to the amount of the said sum of rupees, and such further sum as may be sufficient to defray the charges of taking, keeping, and selling such distress; and if within seven days next after such distress the said sum shall not be paid, together with such further sum as may be sufficient to defray the charges of taking and keeping such distress, to sell the said moveable property; and having paid and deducted out of the proceeds of the sale the said sum of rupees and the charges of taking, keeping, and selling such distress, to return the surplus, if any, on demand, to the person whom you shall find in possession of the said moveable property. If sufficient distress cannot be found of the moveable property of the said , you are to certify the same to us together with this warrant.

(*Signature of the Chairman, Vice-Chairman, or Secretary*).

L. S.

SIXTH SCHEDULE.

(*See Section* 131).

FORM OF INVENTORY AND NOTICE.

(*State particulars of goods seized*).

TAKE notice that I have this day seized the moveable property specified in the above Inventory for the sum of rupees due for the rates (*or taxes*) mentioned in the margin, for the months of 187 ; and that, unless you pay into the Office of the Commissioners of Calcutta the amount due, together with the costs of this distress, within seven days from the day of the date of this notice, the said property will be sold.

(*Signature of the Officer executing the Warrant of Distress*)

Date ———

TABLE OF FEES PAYABLE IN DISTRAINTS.

(*See Section* 132.)

Sum distrained for.	Fee.	
	Rs	As.
Under 5 Rupees...	0	4
5 and under 10 Rupees	0	8
10 „ 15 „	1	0
15 „ 20 „	1	8
20 „ 30 „	2	0
30 „ 40 „	3	0
40 „ 50 „	4	0
50 „ 60 „	5	0
60 „ 70 „	6	0
70 „ 80 „	7	0
80 „ 90 „	8	0
90 „ 100 „	9	0
Above 100	10	0

The above charge includes all expenses except when peons are kept in charge of property distrained, in which case four annas must be paid daily for each man.

SEVENTH SCHEDULE.

(*See Section* 336.)

FORM OF DEBENTURE.

The Commissioners for Calcutta.

No. *Calcutta, the* 18

By virtue of the Calcutta Municipal Consolidation Act, 1886, we, the Commissioners of Calcutta incorporated under the said Act, in consideration of the sum of rupees paid to us by A. B. of promise, to pay to the said or order the said sum of rupees after the date hereof, together with interest thereon at the rate of per centum per annum, payable half-yearly on the day of and the day of

(*Signature of the Chairman, or Vice-Chairman, and two Commissioners.*)

EIGHTH SCHEDULE.

(*See Sections* 173 *and* 174.)

18 BIRTHS IN THE DISTRICT OF

Number.	When born.	Nationality or caste.	Name, if any.	Sex.	Name of father.	Profession of father.	Signature, description, and residence of informant.	When registered.	Signature of Registrar.

NINTH SCHEDULE.

(*See Sections* 173, 174, 176, *and* 179.)

18 DEATHS IN THE DISTRICT OF

Number.	When died.	Nationality or caste.	Name.	Sex.	Age.	Profession.	Cause of death.	Residence at time of death.	Residence previous to last illness.	Signature, description, and residence of informant.	When registered.	Signature of Registrar.

TENTH SCHEDULE.

(*See, Section* 2.)

ACTS OF THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

Number and year.	Subject.	Extent of repeal.
Act IV of 1876	To consolidate and amend the law relating to the Municipal affairs of Calcutta.	The whole.
Act VI of 1881	To amend "The Calcutta Municipal Consolidation Act, 1876"	The whole.
Act I of 1882 ...	To further amend the Calcutta Municipal Consolidation Act, 1876.	The whole.
Act III of 1884	To amend and consolidate the laws relating to Municipalities.	In the second schedule the words "Suburbs of Calcutta."

STATEMENT OF OBJECTS AND REASONS.

THE Committee appointed in 1885 to consider the recommendations made in many quarters in favour of the amalgamation of a portion of the suburbs of Calcutta with the town having reported in favour of this measure, the Lieutenant-Governor having concurred in this report, and the Government of India having signified its approval of the proposal in its main outlines, it is now necessary to legislate in order to give effect to the decision which has been arrived at.

The primary object therefore of this Bill is to introduce such modifications into the existing municipal law for Calcutta as are necessary to adapt it to the enlarged area in which it will be in force.

The opportunity is, however, taken to review the present Municipal Act in the light of the experience of its working for nearly ten years. Time has as usual revealed many defects in details. These it is desirable to remedy as far as possible in the new Act.

Legislation on questions of such importance to the metropolis, and likely to lead to great difference of opinion in respect to the principles and details, should evidently be very deliberate. All that is now attempted therefore is to present for public consideration a draft Bill which embodies the main outlines of the proposed measure. Many months will elapse before the next step is taken to pass it into law.

In effecting the amalgamation, care has been taken to protect the rate-payers of the town against loss owing to the diversion of their rates and taxes for the benefit of the new area to be added to Calcutta. The rates and taxes levied throughout the enlarged area will be uniform, and it should obviously be the endeavour of the new Corporation to bestow on all parts of the municipality similar advantages, so far as time and circumstances permit. The natural effect of this would be that money would flow, as it does in all similar cases, from the centre to the extremities. To compensate for this the Government proposes to give up the contribution now paid by the town and suburbs to the police. This is estimated at about 3 lakhs of rupees per annum, nine-tenths of which is paid by the town. What the present rate-payers of the town will gain by this remission is estimated as approximately equivalent to what they will lose by amalgamation with a more sparsely populated and poorer tract.

It is proposed to levy a conservancy rate with the same maximum as the police rate and from the same class of rate-payers. By this means the rate-payers of the town will be in a position to contribute annually about Rs. 2,80,000 towards the improvement of the area amalgamated with it, without being any worse off quâ taxation than they are at present.

It is also proposed to allow a storage fee, which may be raised with the consent of Government to a maximum of four annas a case (though two annas is the rate contemplated) on all petroleum brought within municipal limits for storage or consumption. Petroleum passing through Calcutta and not stored in it, will not be liable to this tax.

So far as the town is concerned, all that is aimed at is to guard the rate-payers against loss owing to the proposed change. It is intended that the entire boon coming from the remission of the police rate should go to the suburbs, which will thus receive, including the remaining fraction of its own police rate, which is to be remitted, an augmentation of three lakhs a year to its resources. The rates and taxes will of course be raised to the Calcutta standard, and therefore the result anticipated by the measure may be approximately thus stated: that the resources of the area to be incorporated with the town will be increased by nearly 150 per cent., of which less than 100 per cent. will be paid by residents in the amalgamated area, and the rest will come from the taxation remitted by Government. The new corporation therefore ought to find itself in a position effectually to improve this area.

It is not necessary in introducing this Bill to include in it nearly all the amendments in matters of detail which are desirable. Those which have attracted most attention, as well as some which have been formulated in a recent memorial from the rate-payers and inhabitants of Calcutta, have been provided for, but the greater number, which require careful consideration, must be reserved for the Select Committee. It must not therefore be assumed, because the greater part of the existing Act is reproduced *verbatim* in this Bill, that it is supposed to need no alteration. It has been thought better that the bulk of such alterations should be made after opinions have been received from the two municipalities who are affected by the measure, who will, it is hoped, suggest such amendments as experience has indicated to be necessary, as well as after considering opinions from other associations or persons interested.

On the two important questions, however, of the elective franchise and of the general policy of the Act of 1876, this Bill already embodies such changes as *primâ facie* seem desirable. As regards the elective franchise, though these sections of the Act are entirely recast, it is not intended to effect any radical change in the system that now prevails in the town, except in requiring voting at the polling stations. The old qualification was the *payment* of Rs. 25: for this it is proposed for purposes of practical convenience to substitute *ownership* or *tenancy* of property valued at Rs. 300 per annum. This will be the same thing as the payment of Rs. 24, with rates at 8 per cent., and during the current year the owners' rates are at 8 and the occupiers' at 9 per cent. The sections regarding plural owners and occupiers are new, but they are only intended to legalise and regulate the existing practice, regarding which the present law is entirely silent. The circumstances under which members of a joint family, partners, or joint occupiers may vote are at present left entirely to the decision of the Chairman. The Bill proposes to legalise such votes up to a maximum of six for each separate property. A vote is also given to all the fellows and graduates of the Calcutta University. The qualification for Commissioners and electors is made the same. There is no practical necessity in Calcutta for making any distinction.

As regards the policy of the Act of 1876, it has been necessary to consider on the one hand the objections which have been made that the welfare of the town was sacrificed by that measure, as well as on the other the apprehensions of those who consider it so popular a boon that any change, unless in the direction of making it more popular, is to be deprecated.

The Bill as it at present stands steers a middle course between these extremes. It assumes that the Act of 1876 has been attended, as might have been anticipated, with some disadvantages, but that on the other hand these have been counterbalanced by great advantages in the wider interest taken in municipal affairs by the rate-payers and residents of the town, and in the greater popularity of the administration with the great bulk of the inhabitants. No change therefore is contemplated in the general electoral system, or in the proportion of nominated to elected Commissioners.

On the other hand, an institution has developed which was not provided for at all in the Act of 1876, and which was only recognised in the most succinct manner in the amending Act of 1881, viz. the Town Council. It does the work which was intended by the Act to be done by the Commissioners in ordinary meetings, and has proved so well adapted to the circumstances of the municipality that it has annually attracted to itself more and more influence, and is now a very important factor in the municipal machine. It seems very desirable that the constitution of this Council should be fixed by law. This is the more necessary because the constitution which has been evolved for it by circumstances, is in many respects very different from that which the Legislature would have determined. The laudable and natural desire of all those who take an interest in municipal affairs to share in its proceedings has led to its being composed of 30 members—a number far too large for the convenient or orderly despatch of committee work. Again, though one-third of the Council is composed of nominated Commissioners, those Commissioners are chosen by the whole number of Commissioners, the majority of whom are of course not nominated. Hence there is a probability that in a contest those nominated Commissioners will be elected to sit on the Town Council who least represent the body of nominated Commissioners. It seems evident that if a Town Council is needed as an important factor of the Corporation, and if one-third of its members are to be nominated Commissioners, the election should be made by the same person that selects the nominated Commissioners, namely the Lieutenant-Governor, and this is already the law at Bombay.

Again, of all objections brought against the constitution of the municipality under the Act of 1876, the most cogent perhaps is this: that business men to whom time means money, are unable to claim that share in the practical management of affairs which their experience and stake in the city renders desirable. This objection is thus stated in a recent memorial to Government already referred to:—"It is impossible in a city, where it may be said generally that every one is fully employed, that men of business habits should be found ready and able to devote long afternoons, week after week, to deliberations as protracted as those which frequently take place in the Calcutta Municipality. The present system entails enormous delays, and tends to exclude from municipal discussion gentlemen who from their position, experience, and business habits are eminently qualified to give advice on municipal matters. In the city of Bombay a system has prevailed which is

said to have worked satisfactorily, under which the executive work is concentrated in a far smaller body, the members of which receive a fee for their attendance, make it a regular matter of business to attend, and discharge their duties with more expedition than appears as a rule to be possible, with the large number and uncertain attendance at Calcutta."

It therefore seems desirable, now that the Town Council is to be recognised as an important branch of the municipality, that its number should be fixed by the Act at such a figure as is consistent with the ordinary despatch of committee work, that the Lieutenant-Governor should select the same proportion of members of the Town Council as he does of the Corporation, and that a fee should be paid for attendance at Town Council meetings. Provisions to this effect have therefore been introduced into the Bill.

In submitting the first draft of an important Bill of this magnitude, many defects in the wording of the sections may be discovered. Full opportunity will be found for remedying these defects when the Bill is under the detailed examination of the Select Committee.

The 8th April 1886.

H. L. HARRISON.
GORDON LEITH,
Offg. Asst. Secy. to the Govt. of Bengal,
Legislative Dept.

THE following preliminary report of the Select Committee together with the Bill as preliminarily amended by it, is, by order of the President published for information:—

PRELIMINARY REPORT.

WE, the members of the Select Committee appointed to consider the provisions of the Bill for the Registration of Permanent Tenures, have the honour to submit this preliminary report.

2. We have considered the Bill and the communications noted in the margin, and we have made important changes in the Bill as referred to us for report. We have made these changes partly in order to bring the Bill into conformity with the provisions of the Bengal Tenancy Act, 1885, and partly because we are of opinion that the scheme laid down in the original draft of the Bill required modification. We proceed to offer a brief explanation of each of these grounds of the action which we have taken in dealing with the Bill.

From the Hon'ble Kumar Baikanto Nath Dey, dated 22nd January 1885.
From the Secretary to the Bar Association, Noakholly, dated the 13th February 1885.
From the Secretary to the Behar Landholder's Association, dated the 19th January 1885.
From the Under-Secretary to the Government of Bengal, Revenue Department, No. 921—407, dated 21st March 1885, with an enclosure.
From the Honorary Secretary, Mymensingh Association, No. 2, dated 18th April 1885.
From the Secretary to the Bhagulpore Landholder's Association, No. 36, dated 29th November 1885.
From the Honorary Secretary to the Orissa People's Association, dated Cuttack, the 28th December 1885.
From the Honorary Secretary to the British Indian Association, dated 29th February 1886.
A memorial from the Behar Landholder's Association, dated 22nd February 1886.

3. When the Bill was introduced into Council in December 1884, the Tenancy Bill, which was then under consideration in the Council of the Governor-General, contained a chapter which embodied the putni sale law, and which included a provision which declared that the chapter relating to putni sales should be applicable to any tenures which might hereafter be registered under any law providing for the registration of tenures. The Bill also contained elaborate provisions for compelling the landlord to register transfers of, and succession to tenures, and for suits in Court to enforce such registration, if it were refused. In the Tenancy Act, as finally passed into law, all these provisions have disappeared. The chapter relating to putni sales has been omitted, and the sections regarding the registration of transfers have been modified so as simply to provide that a transfer or succession shall be notified to the landlord.

4. In the next place, the Bill, as introduced into Council and referred to us for report, was largely based upon a scheme put forward in a pamphlet issued by Mr. Mohini Mohun Roy. The Bill, it is true, did not entirely accept the proposals of the pamphlet. Under Mr. Mohini Mohun Roy's scheme, registration was to be entirely optional, and the registers were to be kept, and all proceedings for the sale of the tenures were to be taken in the Court of the Subordinate Judge. The Bill, on the other hand, declared that the registers were to be kept by the Collector, and that the Government might declare registration to be compulsory in any specified local area. But in other respects the scheme of the pamphlet, so far as it related to registration, was generally followed, and in particular it was followed in the important provision which excluded all *ex parte* proceedings, and insisted upon the presence of both parties before the Court in all applications for the registration of a tenure, or for any changes subsequent to the original registration.

5. Having considered these sections in the light of the opinions which have been received, we think that the Bill should be materially modified, partly in order to remove misconceptions as to its object and meaning, and partly because some of its provisions appear unworkable in themselves, or inconsistent with the form in which the Tenancy Bill has been finally passed into law. It appears to us that much misunderstanding exists as to the

objects and scope of the Bill. Though it is expressly declared to be a Bill for the registration of permanent tenures, we find it alleged in one* of the papers, that the Bill will involve the registration of nearly 10 millions of ryoti holdings, and will consequently lead to 8 or 9 millions of contested suits. Though the Bill is intended to create a register of titles, we find it objected in another† paper that the provisions of the existing law for the registration of deeds render it unnecessary and superfluous.

* Paper No. 1.

† Paper No. 9.

6. It seems to be generally apprehended that any legislation upon the lines of this Bill will result in an abundant harvest of litigation and dispute. We can only say that such information as we have at our command leads to an entirely opposite conclusion. One* of the papers relative to the Bill shows the number of cases instituted in each district in the Lower Provinces to contest the orders of the Collector under the Land Registration Act of 1876. The powers of the Collector under that Act are very extensive. He is authorized not only to determine summarily the fact of possession, but in disputed cases he may decide the right to possession, and may give possession accordingly; but any person is at liberty to contest his decision in a regular suit. We find, however, that the decision of the Collector has been contested in scarcely one case out of five hundred. In the districts of the Burdwan Division, 77,877 orders were passed by the Collector; and only 131 suits were brought to contest them. In the Rajshahye Division the corresponding numbers are 41,200 orders and 90 suits. In the Presidency Division, 52,250 orders resulted in the institution of 73 suits. If these figures are any indication of the extent to which claims regarding the registration of tenures are likely to be disputed, they may perhaps tend to reassure those who apprehend that almost every claim will lead to a suit.

* Paper No. 4.

7. We now proceed to indicate the principles upon which, in our own opinion, a Bill for the registration of permanent tenures should be framed; and we shall then explain the alterations which we have made in the Bill with the object of bringing it into conformity with those principles.

8. The main purpose of the Bill is to give increased facilities to the zemindars for the realization of their rents. As Mr. Mohini Mohun Roy has remarked in his pamphlet, it does not pay a landlord to sue a ryot, but it does pay him to sue a tenure-holder. When a tenure-holder is sued, the suit is generally undefended, and the landlord has no difficulty in obtaining a decree: his troubles begin when he attempts to take out execution. But there is one class of tenures the rents of which are, for the most part, regularly and punctually paid. These are the putni talooks, and other similar tenures, which are liable to summary sale under Regulation VIII of 1819. It would be an enormous boon to the zemindars if the rents of all permanent tenures could be made realizable under a similar procedure. But we do not think that this should be done, unless the tenures are first registered in a public office.

9. The compilation of such a register will be a work of great labour and magnitude; and we therefore think it desirable, not only that the class of tenures to be registered should be accurately defined, but that the Act should not be brought into force at once throughout the country, but should be gradually introduced into those districts in which satisfactory arrangements can be made for working it. We consider that optional registration should be tried in the first instance, but that power should be reserved to the Government to make registration compulsory.

10. Where registration is optional, the proceedings for bringing a tenure upon the register should be conducted entirely before the Civil Court, and the fullest opportunity should be given to all persons to prefer objections or to put forward claims. When all disputed matters have been settled, the Court should pass its order regarding the registration of the tenure, and should communicate such order to the Collector, by whom the register will be kept. But when a tenure has once been placed on the register, all transferees or successors should be compelled to register their names. Under the provisions of the Tenancy Act, they are required to give notice to the landlord; but we think they should also give notice to the Collector, and in the same way they should give notice if any change occurs in the conditions under which the tenure is held. Unless this is done it is clear that the Collector's register will very soon become obsolete. When such an application, either for a mere change of names, or for a change in the recorded conditions of the tenure, is made to the Collector, the landlord may take one of three courses: he may concur in the change being made, or he may object, or he may neither concur nor object. If he concurs, we would allow the Collector to make the change: if he does not object, we would allow the Collector to make any change which involves nothing more than a mutation of names; but if the landlord objects, or if the application involves any change in the conditions of the tenure, we think the matter should be decided by the Civil Court.

11. Where registration is compulsory, we do not think it would be reasonable to compel parties to go to the Civil Court unless they desire to do so. We would therefore allow applications for registration to be made to the Collector; and we would permit him to register the tenure in cases in which there is no dispute. But we would not give the Collector power to determine any disputed question except that of possession, nor even to determine the question of possession if either party should ask to have the case referred to the Civil Court.

12. Applications for registration, whether made to the Collector or to the Courts, will require only an eight-anna stamp. But if it is necessary to frame issues, and to try the matters in dispute as in a regular suit, we think that a court-fee should be levied as in a suit for the possession of the tenure. In cases where registration is optional, this can easily be done, but in cases of compulsory registration it will be necessary to provide that the value of the stamps may be levied as a fine.

13. These being the general principles of the scheme, we have made the following alterations in the draft of the Bill as introduced into Council.

14. In section 1* (1) we have provided that the Local Government may apply the Act to any district or sub-division, and may declare that its application shall be optional or compulsory.

* The figures of sections refer to the Bill as now revised. Figures within brackets refer to the sections of the former draft.

15. In section 2 (2) we have omitted the definitions of "holding," "local area," and "Subordinate Judge" as unnecessary. We have introduced a definition of "rent," which seems to be required. We have made the meaning of "tenure" more clear, by showing that we use the word "ryot" in the sense in which it is used in the Tenancy Act. We have expressly excluded the interest of a ryot holding at a fixed rent or rate from the definition of "permanent tenure." We have altered the definition of "transfer" so as to exclude mortgages. A mortgagee will still be entitled to apply, if he thinks fit, for the registration of his name as mortgagee, but he will not be compelled to apply as a transferee.

16. After the preliminary sections we have divided the rest of the Bill into two chapters, of which the former deals with optional, and the latter with compulsory, registration. But as the optional chapter contains the entire procedure in the Civil Court, some provisions which relate to compulsory registration also find place in it.

17. In section 6 (5) we have substituted "a Court of jurisdiction competent to try a suit for the possession of such tenure" for the "Court of the Subordinate Judge." There seems no sufficient ground for confining these registration cases to a special tribunal.

18. In section 7 (6) we have shortened and simplified the particulars to be given in the application, and have declared that they shall be specified only "so far as may be practicable."

19. Section 8 (45) was formerly part of the compulsory chapter of the Bill, and though we have now transferred it to the optional chapter, we have done so rather with the object of calling attention to the point than as a final expression of our opinion. On the one hand, it may be said that the procedure is not really optional, if a fractional shareholder can force all his co-sharers into Court. On the other hand, it may be argued that it is desirable to encourage registration, and that a fractional shareholder ought not to have the right to prevent all his co-sharers from getting their tenure registered. Perhaps the fairest arrangement would be a compromise, by which the present section 8 would be relegated to the compulsory chapter, and a provision would be inserted in the optional chapter allowing shareholders who represented more than half the entire interest to apply for the registration of a tenure.

20. In section 13 (12) we have made fuller provision for the publication of the notice.

21. In section 16 we have provided that the Court, if it thinks fit, may proceed *ex parte*. The Bill, as previously worded [sections (11) and (13)] implied that the Court was to insist upon a return being filed by the opposite party, and upon the attendance of all the parties concerned, either in person or by agent. We think it sufficient to provide that all parties shall have an opportunity of filing such statements as they wish, and of being present at the hearing if they desire to attend.

22. Section 19 (16) introduces an important change. Strong objections have been expressed to any limitation of the right of appeal, and in particular to a limitation depending upon the annual rent of the tenure. Upon consideration, we are disposed to think that these cases should be governed by the ordinary law of appeal.

23. Sections 20 to 23 contain the provisions regarding stamps, to which we have referred in paragraph 12 of this report. These sections are not in the original draft of the Bill, but they appear to us to be required.

24. In section 25 (20) we have thought it better to substitute the words "local division" for the word "pergunnah." This brings the wording of the Bill into conformity with the language of the Land Registration Act. We have also made some minor changes in the following section which specifies the particulars to be entered in the register, and we have omitted the old section (23), which provided for the maintenance of a register of leases and counterparts.

25. We have transferred section 30 (42) from the compulsory to the optional chapter of the Bill, as we are of opinion that when a tenure has once been registered it should be incumbent upon the tenure-holder to apply to have the register corrected, whenever such correction is necessary, either by transfer or succession, or by a change in the condition of the tenure.

26. Sections 31 to 38 explain the procedure by which it is proposed that changes should be made in the entries regarding a tenure which has been admitted to registration. As we have already stated in paragraph 10 of this report, we have provided for cases in which the landlord agrees to the change, in which he objects to the change, and in which he neglects either to agree or object. We do not allow him to make any objections which would have the effect of re-opening questions which were decided when the tenure was originally registered; for example, he is not permitted to allege that the tenure is not

a permanent tenure. But if he objects upon permissible grounds, or if he tenders no statement in a case in which anything more than a mutation of names is applied for, the Bill provides that the case shall be referred to the Civil Court.

27. Section 40 (59) allows the Collector to delegate any of his powers to an Assistant, a Deputy, or a Sub-Deputy Collector. We have transferred this section from the compulsory to the optional chapter, and have confined it to that chapter. But even with this limitation we feel some doubt whether these powers should be entrusted to a Sub-Deputy Collector. We have allowed the section to stand, as it simply reproduces the provisions of the Land Registration Act of 1876, but we desire to call attention to the point.

28. Section 49, which does not appear in the former draft of the Bill, declares that all permanent tenures registered under the Act shall be liable to summary sale. The insertion of this section is necessary in consequence of the omission from the Tenancy Act of the section which stood as section 209 of the Bengal Tenancy Bill of 1884.

29. The chapter relating to compulsory registration comprises only eight sections. In the former draft the entire procedure of the Land Registration Act was reproduced in this chapter. By the Bill as now revised it is provided that applications shall be made to the Collector, but that disputed matters shall be referred to the Court, unless the dispute is merely regarding possession; and that even a dispute regarding possession must be referred to the Court if either party applies for such a reference to be made.

30. The Bill has been so materially altered that we think it should be republished, and an expression of public opinion upon it invited, before any further attempt is made to consider it in Council. When sufficient time has been given for the receipt of these expressions of opinion, we think it would be advisable that we should be authorized to meet again and to submit a final report.

H. J. REYNOLDS.
C. B. GARRETT.
ABDUL JUBBAR.
*JAI PROKASH LALL.

The 27th March 1886.

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* I REGRET I am not able to agree with my honourable colleagues in the conclusions to which they have come in this report.

I am clearly of opinion that the Bill should not be proceeded with. It proposes to effect a public and official registration of titles with regard to all permanent tenures in the country, with the object of giving the landlords facility for the collection of rents. Now in the first place, although the Select Committee have tried their best to define a "tenure" and consequently a "permanent tenure," I must say, with due deference, that the definition given in the amended Bill will not materially mend matters. The definition is a negative one, and based upon the definition of a "ryot" and an "under-ryot" as contained in the Bengal Tenancy Act. When we turn to the latter Act, we find the distinction between a "tenure" and a "ryoti holding" is made to hinge upon conditions which are extremely complex and difficult of ascertainment *see* section 5 of the Act). I may observe that in Behar there is no vernacular word which sufficiently conveys the meaning of the generic word "tenure."

When the essential condition of a definition depends upon the intention of the lessee to collect rents or to cultivate himself, it must be admitted that the distinction between a holding and a tenure will be so narrow as to give rise to a good deal of dispute and contention.

Passing over this initial difficulty, and taking for granted that no confusion will surround the conception of permanent tenures, still there can be no doubt that the Bill will lead to enormous litigation. The majority of the Select Committee treat this idea as a misapprehension, and they draw an analogy from the statistics of the Land Registration Act. I am afraid that the analogy does not hold good. Under the Land Registration Act of 1876 there was no dispute as to the nature of the interest of zemindars. They or their ancestors or their vendors held under the Government on the basis of the permanent settlement, the terms of which were enunciated by the statute law of the land. The Act related to the succession and transfers of the zemindari title. These successions and transfers stood, for the most part, registered under section 21, Regulation VIII of 1800. Many of the transfers had been effected by registered deeds or the operation of execution sales, while in the case of succession the fact was evidenced by the grant of letters of administration by Courts of Justice.

It is far otherwise with regard to tenures. Their character and incidents do not rest on the same foundation as zemindaries. It is true that putnis, durputnis, mukararis and the like are created by registered deeds, but evidently they will not create any administrative difficulty if the Bill becomes law. The difficulty has to be looked for in the case of tenures which occupy the border land, as it were, between large holdings and well-recognised permanent tenures. Mr. Dutt, the Collector of Backergunge, estimates the number of tenures in his district at the enormous figure of five hundred thousand, and he holds that their registration will probably occupy a period of forty years. The majority of the Select Committee admit in the ninth paragraph of their report that the compilation of a register of permanent

tenures will be a work of great labour and magnitude, and they recommend that the system inaugurated under the Bill, if it is passed into law, should be only gradually introduced, but the gradual introduction of the measure tantamounts, in the light of facts disclosed in one district alone, to the indefinite postponement of its development. Indeed the period at which the landholding community may reasonably expect to reap the benefits the Bill proposes to confer, is so remote that they must leave such benefits out of their calculation.

Besides, however, the question of delay, the Bill will entail upon the population of these Provinces a fearful amount of litigation. Now in cases, where the landlord and the tenant differ as to the nature and conditions of the tenure, the application to register will be treated as a suit for possession of the land, and be subject to the payment of proportionate court fee. This will amount in round numbers to about seven per cent. on the valuation of the property; adding to this item, pleaders' fees, say at four per cent. all round, and the incidental expenses at four or five per cent. more; doubling the sum total of these items for the original court, and the tribunal of appeal, we have something like thirty per cent. on the valuation of tenures as the probable outlay which applicants for registration will have to incur to secure the benefits conferred by the Bill.

The question then arises are not the so-called benefits of the Bill to be rather dearly purchased? We must remember that the question of boundaries and areas of tenures will still remain open questions after the registration proposed by the Bill is effected; and these matters will have to be fought for whenever there will be a cadastral survey or a record of rights. The expenses incidental to these will have to be paid over again.

And after all if the registration of permanent tenures be completed after this vast delay and ruinous expense, what will be the gain to the landlord? What advantages will he derive which will improve his position with regard to the collection of rent? As the law now stands, he can execute his decree for arrears of rent and bring a tenure to sale within thirty days; he runs no risk of being sued for damages; and he can realize from the surplus sale proceeds arrears which accrue after the date of his decree; he can also recover damages up to 25 per cent. if the tenant has wilfuly neglected to pay. All these advantages he enjoys, and I do not think he will be able to add to them substantially by having the privilege of suing his tenant summarily: on the other hand the slightest irregularity will vitiate the summary sale, and he will have to enter into a prolonged and costly litigation with the defaulter, and if the sale is set aside, to indemnify the purchaser. There seems to prevail an erroneous impression as to the optional system of registration. The option is given to both the landlord and tenant and any shareholder; either of these may drag the others into court, so that virtually the system will not have the element of option in it.

The remarks I have made above apply to the system of optional registration. Under the compulsory system, the zemindar and the tenureholder will both fare worse, as in addition to all the evils pointed out above, the Collector will be able to invoke the aid of the procedure for the recovery of public demands to realize the court-fees due to Government, should the same not be paid.

I shall only add that section 158 of the Bengal Tenancy Act provides a remedy more complete and less expensive than that proposed by the Bill, and I venture to say that after that Act has been in operation for some years, the status of tenure-holders will be determined in a quiet way.

To my mind it is well that we should pause, and seriously reflect whether in our anxiety to confer upon the people a supposed legislative good, we may not unconsciously inflict upon them evils which will plunge them into a sea of litigation and render their lot far more miserable than it is at present. The country is already suffering from the development of a litigious tendency which did not exist before to such an extent as now.

To sum up, then, I maintain that the Bill will not confer upon either landlord or tenure-holders benefits in proportion to the cost, annoyance, waste of time, and energy which it will entail upon both classes of the community; that it will not satisfy the just demands of the former; that all Landholders' Associations disapprove of the measure; and that it will impose a great labour upon the already overwhelmed judicial and executive staff of officers.

JAI PROKASH LALL.

(AS PRELIMINARILY AMENDED BY THE SELECT COMMITTEE.)

A Bill to provide for the Registration of Permanent Tenures.

Preamble.

WHEREAS it is expedient to make provision for the preparation and maintenance of registers of permanent tenures: It is enacted as follows:—

PRELIMINARY.

Short title.

1. This Act may be called "The Permanent Tenure Registration Act, 1886."

Commencement.

After this Act shall have been published in the *Calcutta Gazette*, with the assent of the Governor-General, the Local Government, by notification published in the *Calcutta Gazette*, may apply this Act to any district or sub-division in the territories administered by the Lieutenant-Governor of Bengal, directing that registration of permanent tenures under this Act in such district or sub-division shall be optional or compulsory, from a date to be named in the notification. Such date shall be deemed to be the commencement of this Act in such district or sub-division.

Interpretation.

2. In this Act, unless there is something repugnant in the subject or context—

"District."

"District" hereafter means the district to which a register relates.

"Estate."

"Estate" means land included under one entry in any of the general registers of revenue-paying lands and revenue-free lands, prepared and maintained under the law for the time being in force by the Collector of a district:

Provided that the registration of a tenure under section 3(2) (*c*) of the Land Registration Act, 1876, shall not constitute it an estate within the meaning of this Act.

"Landlord."

"Landlord" means a person immediately under whom a tenure is held.

"Manager."

"Manager" means a person who is appointed by the Collector, the Court of Wards, or any Civil or Criminal Court, to manage an estate or any part thereof, or any tenure, and every person who is in charge of an estate or any part thereof, or any tenure on behalf of a minor, idiot, lunatic, or on behalf of a religious or charitable institution.

"Proprietor."

"Proprietor" means a person owning an estate or any specific lands of an estate, whether in trust or for his own benefit.

"Rent."

"Rent" means whatever is lawfully payable or deliverable in money or kind by a tenant to his landlord on account of the use or occupation of the land held by the tenant: and includes money recoverable under any enactment, for the time being in force, as if it were rent.

"Signed."

"Signed" includes marked when the person making the mark is unable to write his name; it also includes stamped with the name of the person referred to.

"Tenant."

"Tenant" means a person who holds land under another person, and who is or, but for a special contract, would be, liable to pay rent for that land to that person.

"Tenure."

"Tenure" includes every interest in land, whether rent-paying or not, save and except an estate as above defined, and save and except the interest of a ryot or under-ryot as defined in the Bengal Tenancy Act, 1885.

"Permanent tenure."

"Permanent tenure" means a tenure which is heritable and not held for a limited time, but does not include the interest of a ryot holding at a rent, or rate of rent, fixed in perpetuity.

"The Collector."

"The Collector" means the Collector of the district to which a register relates.

"Transfer."

"Transfer" includes a sale, whether voluntary or in execution of a decree, and a gift, but does not include a mortgage or a lease.

"Verified."

"Verified" means verified in the manner provided for the verification of plaints in the Code of Civil Procedure.

CHAPTER I.

Of Optional Registration.

3. After the commencement of this Act, the following persons (that is to say):—

Proprietors, tenure-holders and managers may apply for registration of tenures held under them.

every landlord being a proprietor whose name has been registered under the Land Registration Act, 1876,

every landlord being a tenure-holder whose tenure has been registered under this Act, and

every manager whose name has been registered under the Land Registration Act, 1876, or under this Act, on behalf of the proprietor or holder respectively of any estate or tenure;

may apply for the registration of all permanent tenures held immediately under such landlord or manager respectively.

Persons holding under registered proprietors or tenure-holders may apply for registration of permanent tenures held by them.

4. Every holder or manager of a permanent tenure held immediately under a proprietor or tenure-holder registered under the Land Registration Act, 1876, or under this Act, respectively, may apply for the registration of such tenure.

Mortgagee may apply for registration of permanent tenure held by him.

5. Every person, being a mortgagee of any interest in a permanent tenure which has been registered under this Act, may apply to the Court which passed, or which is competent to pass, an order admitting such tenure for registration, for an order authorizing the registration of his name as mortgagee of such interest in such permanent tenure and shall, in his application, state who is in possession of such permanent tenure. On receipt of such application, the Court shall follow, as far as possible, the procedure hereinafter prescribed in respect of applications for the registration of permanent tenures, and in the event of the Court passing an order authorizing the registration of the name of the applicant as mortgagee of such tenure or any interest therein, it shall transmit

to the Collector of the district a copy of such order.

Application for registration to be made to Court.

6. Every application for the registration of a permanent tenure under this Chapter shall be made to a Court of jurisdiction competent to try a suit for possession of such tenure.

Application to be verified, and to contain certain particulars.

7. The application shall be signed and verified by the applicant and shall contain the following particulars so far as may be practicable :—

(1) (*a*)—Name, father's name, place of residence of the tenure-holder.

(*b*)—Name, father's name, place of residence of the landlord.

(*c*)—Name of tenure (if any).

(*d*)—Name of pergunnah, thana, and village in which the tenure is situated.

(*e*)—The amount of annual rent.

(*f*)—The instalments in which the rent is payable.

(2) And to such application shall be annexed—

(*a*)—A certified copy of such portion of any general register of revenue-paying, or revenue-free, lands or tenures kept under this or any other Act as may contain the name of the landlord of, and the character of his interest in, the tenure for the registration of which the application is made.

(*b*)—Any deed or document available creating, confirming, modifying or otherwise relating to such tenure.

Particulars to be specified in application by joint tenure-holder or manager.

8. If the applicant for registration is a joint tenure-holder or a manager, he shall in addition specify the names of his co-sharers or on behalf of whom he is manager, and the character and extent of the interest of every such person.

Power to reject applications not verified or not stating correctly the particulars required.

9. The Court may reject or return for amendment any application which does not state correctly or states insufficiently the several particulars hereinbefore required to be specified therein, or if it is not signed and verified as hereinbefore required :

Provided that the rejection under this section of an application for the registration of a permanent tenure shall not of its own force preclude the applicant from presenting a fresh application in respect of the same tenure.

Particulars to be entered in "Register of applications."

10. The Court admitting an application shall cause the particulars mentioned in section seven to be entered in a book to be kept for the purpose and called the "Register of applications for the registration of permanent tenures."

All entries shall be numbered in the order in which the applications are admitted in a consecutive series, which shall commence and terminate with the year, a fresh series being commenced at the beginning of each year.

On admission of application, Court to order the other party to file a return containing particulars mentioned in section 7.

11. When the application for registration of a permanent tenure is admitted, the Court shall issue an order,

if the applicant is a landlord or manager, calling upon the person holding under him, or if the applicant is a person holding under a registered proprietor or tenure-holder, calling upon such proprietor or tenure-holder,

to file in Court, on a day to be specified in such order, a return signed and verified, containing the particulars and having annexed thereto the documents, as far as may be practicable, mentioned in section seven.

Notice to objectors.

12. The Court upon issuing an order under the last foregoing section shall at the same time publish a notice requiring all persons who dispute the character of the interest, in respect of which application for registration has been made, or who object to the registration of the names of the persons whose names are required to be registered, to tender a written statement of their objections, and to appear before it on a day to be specified in such notice, not being less than one month from the date of the publication thereof.

Publication of notice.

13. Such notice shall be published as follows :—

(*a*) It shall be publicly read in some conspicuous place in the village, or, if more than one in the villages, situated within, or, within which is situated, the permanent tenure in respect of which application for registration has been made.

(*b*) A copy thereof shall be affixed to some conspicuous part of the court-house.

(*c*) A copy thereof shall be affixed to some conspicuous part of the kutcherry of the zemindar or tenure-holder (as the case may be) or other place at which the rents are ordinarily received.

(*d*) A copy thereof shall be affixed in some conspicuous place in every village in which it is publicly read.

Day of hearing.

14. The Court, on receiving the return mentioned in section eleven, if any, and any written statement tendered in pursuance of a notice published under section twelve, shall appoint a day for the hearing in the presence of all the parties concerned, or of their respective agents or vakils.

Where no material difference exists between the parties in respect of certain particulars, Court shall pass order for registration.

15. Upon the day appointed for the hearing if all the parties are in attendance, and if the Court finds that no material difference exists in the statements of the parties before it with respect to the following particulars, that is to say—

the permanent character of the tenure,

the right of the landlord to receive the rent of the tenure from the tenure-holder,

the amount of rent payable for the tenure,

the instalments in which such rent is payable,

and if the Court finds that such tenure is in other respects admissible for registration under the provisions of this Act,

it shall pass an order to the effect that such tenure shall be admitted to registration.

Procedure when parties not in attendance.

16. Upon such day if all the parties are not in attendance, the Court may proceed *ex parte* or adjourn the hearing to a future day to be fixed by the Court, and may cause any person to be summoned as a witness to give evidence or to produce any document in his possession on the day so fixed.

Rules as to witnesses in the Code of Civil Procedure to apply.

17. Whenever any person is required to file a return under section eleven, or to give evidence, or to produce a document, the rules as to witnesses contained in the Code of Civil Procedure shall apply to such person as far as they are applicable.

If unable to decide summarily particulars specified in section 15, Court to frame and try issues on a day to be fixed.

18. If at the hearing all the parties being in attendance, upon reading the application and return and the written statements (if any), and after taking such evidence as may appear necessary, the Court finds that the parties are at variance upon material points, it shall frame and record issues, and upon a day to be appointed by the Court such issues shall be tried as if they were issues in a suit instituted under the Code of Civil Procedure.

Appeals to lie from orders and decrees.

19. An appeal shall lie from any order passed under section fifteen or from any decree or order passed under the last foregoing section.

Application how to be stamped.

20. Every application made under this Act, whether to a Civil Court or a Collector, shall be deemed to be an application within the meaning of clause (*b*) article 1 of the second schedule annexed to Act VII of 1870.

Proviso when issues are framed.

Provided that if in any case the Court shall find it necessary to frame issues, the Court shall, before recording such issues, call upon the party applying for registration to pay, within a time to be fixed by the Court, a court-fee equivalent to the fee which would be payable if the suit were a suit to recover possession of the tenure in respect of which the application for registration is made.

Valuation how to be determined.

21. In case there shall be any dispute as to the valuation of the tenure, the Court shall decide such dispute, and its order shall be final.

Procedure in default of payment of court-fee.

22. If within the time fixed for the payment of such court-fee the person applying for registration shall not have paid in such court-fee, his application shall, if the registration be optional, be summarily dismissed.

Procedure if registration is compulsory.

23. If the registration be compulsory, the Court shall, notwithstanding such default, proceed to try the issues as laid down in section eighteen; but the Court shall forthwith inform the Collector of the default, and shall require him to realize the amount from the person liable to pay the same.

On the receipt of such requisition, the Collector shall forthwith proceed to recover the full amount of such court-fee, anything in section forty-two notwithstanding, as if it were a fine imposed under section forty-one.

Such amount, when realized, shall be remitted to the Court.

Nothing in section forty-five shall be construed to make any order for the payment or realization of such court-fee appealable to any revenue authority.

Collector to register tenure on receipt of order admitting to registration.

24. Whenever a decree or order admitting a tenure for registration shall have become final, the Court shall transmit to the Collector a copy of such decree or order, together with the application for registration.

And the Collector to whom the same shall have been transmitted shall register the tenure in the manner hereinafter provided.

Registers to be prepared and kept by Collector.

25. The Collector of every district shall prepare and keep the following registers:—

A general register for each local division of permanent tenures situated therein.

An intermediate register for such local division of changes affecting entries in the general register.

Particulars to be entered in general register of permanent tenures.

26. In the general register of permanent tenures the following particulars shall be entered:—

(*a*) Serial number of tenure.
(*b*) Name by which tenure is known.
(*c*) Name and number of estate.
(*d*) Name of village, or villages, in which tenure is situated.
(*e*) Amount of annual rent.
(*f*) Instalments in which rent is payable.
(*g*) Name and residence of landlord.
(*h*) Name and residence of tenure-holder.
(*i*) Name and residence of mortgagee (if any).
(*j*) Reference to entries in the intermediate register

Information to be entered in intermediate register.

27. Intermediate registers shall be kept for the purpose of recording therein from time to time changes affecting the entries which stand on the general register.

Board may order new registers to be prepared.

28. The Board of Revenue may order new registers to be prepared whenever it may think fit, and such registers shall be prepared from the register existing at the time of such order and from the entries of subsequent changes in the intermediate registers.

Collector on default of holder or manager may give a distinctive name to permanent tenure.

29. The Collector may by a notice require the holder or manager of any permanent tenure to name such tenure by a distinctive name, and in case of failure of such holder or manager to comply with the requisition within the time fixed by the Collector may name such tenure.

Application to Collector by landlord or manager of a registered permanent tenure for registration of name.

30. Whenever any permanent tenure shall have been registered under this Act any person becoming the holder or manager of such permanent tenure shall, within six months from the date when he became the holder or manager of such permanent tenure, apply to the Collector for registration of his name as holder or manager (as the case may be) of such permanent tenure, and in his application he shall state the circumstances under which he became the holder or manager (as the case may be) of such permanent tenure.

Notice to landlord on application for change in name of recorded tenure-holder or manager, or in character or extent of his interest.

31. Whenever any such application for registration shall be made to the Collector, or whenever any application shall be made to him to make any alteration in any register kept under this Act with regard to the nature or extent of the interest of any tenure-holder or manager, or with regard to the conditions under which any tenure is held, the Collector shall cause a notice to be served upon the landlord of the tenure stating the nature and extent of the alteration which has been applied for, and calling upon him to file a written statement concurring in or objecting to such alteration within a time to be specified in such notice, not less than one month from the date of the service of such notice:

Landlord not entitled to notice in respect of permanent tenure transferred by summary sale, or in execution of decree for arrears.

Provided that the landlord shall not be entitled to notice in respect of the mutation of the tenure-holder's name in a permanent tenure transferred by summary sale under any Act or Regulation for the time being in force, or in execution of a decree made in a suit for recovery of arrears of rent due in respect of such tenure.

Notice how to be served.

32. Such notice shall be served by tendering to the person to whom it may be directed a copy thereof attested by the Collector, or by delivering such copy at the usual place of abode of such person or to some adult male member of his family, or, in case it cannot be so served, by posting such copy on such conspicuous part of the usual or last known place of abode of such person.

In case such notice cannot be served in any of the ways hereinbefore mentioned, it shall be served in such way as the Collector issuing such notice may direct.

The cost of serving such notice shall be borne by the person making the application.

Grounds on which landlord may object.

33. A landlord receiving such notice may object on one or more of the following grounds, namely:

(*a*) that an alleged change in the conditions under which the tenure is held has not taken place:

(*b*) that an alleged transfer has not taken place:

(*c*) that an alleged transfer is invalid under some provision of law for the time being in force:

(*d*) that an alleged succession has not taken place.

If the landlord objects upon any grounds other than those herein specified, his written statement shall be rejected.

Alteration to be made if landlord concurs.

34. If the landlord in his written statement concurs in the making of the alteration mentioned in section thirty-one, or if he objects upon grounds other than those specified in section thirty-three, the Collector may forthwith make such alteration.

Procedure if landlord tenders no statement.

35. If the landlord does not tender any written statement, and the alteration applied for involves a change of names only, the Collector, on being satisfied that the notice has been duly served as provided in section thirty-two, may either make the alteration, or may, in his discretion, proceed as in the next following section.

Procedure if change other than in names, or if landlord objects.

36. If the alteration involves any change other than a change of names, or if the landlord tenders a written statement objecting to the alteration, in conformity with section thirty-three the Collector shall transmit to the Court having jurisdiction—

(*a*) a copy of the entry recording the registration of the tenure:

(*b*) a statement showing the character and extent of the change intended to be made in such entry:

(*c*) the landlord's written statement (if any):

and shall direct all persons who have appeared before the Collector to enter appearance in that Court within a date to be fixed by the Collector and notified to the Court.

Court to follow procedure prescribed in case of application for registration.

37. On receipt of the documents mentioned in the last foregoing section, the Court shall, so far as the nature of the case admits, follow the procedure hereinbefore prescribed in the case of an application for registration.

Collector to obey the order of Court.

38. Whenever a decree or order passed under the last foregoing section shall have become final, the Court shall transmit to the Collector a copy of such decree or order, and the Collector shall, upon receipt thereof, act in strict accordance with the terms of such decree or order.

Information to be supplied to Collector.

39. To enable the Collector more effectually to maintain his registers—

(*a*) Whenever any competent authority may direct that any tenure be transferred from the general register of one district to that of another, the Collector of the district from the general register of which the tenure is to be transferred shall transmit to the Collector of the district, to the general register of which the transfer is to be made, a copy of all entries in any of the registers relating to the tenure to be so transferred, and entries taken from such copy shall be made in the proper registers of the district to which the transfer is made.

(*b*) Whenever the Collector of any district shall make an entry or any alteration of any entry in his registers, which will affect any entry required to be made under this Act in any register of another district, such Collector shall transmit to the Collector of such other district a copy of such entry as made or as altered, and the Collector to whom such copy is transmitted shall cause the necessary entries or alterations of entries to be made in the registers of his district.

Collector may delegate duties.

40. The Collector may, by a special or general order, delegate to any Assistant Collector, Deputy Collector or Sub-Deputy Collector, the performance of any duty and the exercise of any function which the Collector is required or empowered to perform or exercise under this Chapter. And any Assistant, Deputy or Sub-Deputy Collector to whom any duty or function is so delegated may exercise all the powers of a Collector under this Chapter.

Penalty for omitting to apply for registration when compulsory.

41. Whoever being required by this Act to apply for registration of a permanent tenure, or for registration of his name as holder or manager of a registered permanent tenure, voluntarily or negligently

omits to do so in the manner, or within the time prescribed, shall be liable to such fine as the Collector may think fit to impose, not exceeding fifty rupees for each such omission, and to such further daily fine as the Collector may think fit to impose, not exceeding ten rupees for each day during which such person shall omit to apply for registration after a date named by the Collector in a notice to be served upon him requiring him to apply for registration.

Fine may be levied notwithstanding appeal.

42. The Collector may proceed from time to time to levy any amount which has become due in respect of any fine, notwithstanding that an appeal against the order imposing such fine may be pending:

Provided that whenever the amount levied under any such order shall have exceeded five hundred rupees, the Collector shall report the case specially to the Commissioner of the Division, and no further levy in respect of such fine shall be made otherwise than by authority of the said Commissioner.

No penalty on person applying *suo motu*.

43. Notwithstanding anything contained in section thirty, no fine shall be imposed by the Collector on any person on the ground that such person has failed to apply for registration within the prescribed time,

if such person shall, at any time after the expiry of the prescribed period and before the service upon him of any notice by the Collector, apply for registration in the manner prescribed by this Act.

Fine deemed to be a demand under Act VII of 1880.

44. Every fine imposed by the Collector under this Act shall be deemed to be a demand recoverable under the provisions of the Public Demands Recovery Act, 1880.

Appeal.

45. Every order for the payment of a fine passed by the Collector shall be appealable to the Commissioner of the Division; every appeal to the Commissioner shall be presented to the Commissioner or to the Collector for transmission to the Commissioner, within thirty days from the date of the order appealed against; every such appeal presented after the lapse of thirty days may be summarily rejected, unless sufficient cause be shown to the satisfaction of the Commissioner for admitting the appeal after the lapse of such time.

Every order for the payment of a fine passed by the Collector or by the Commissioner in appeal therefrom shall be subject at any time to revision and modification by the Board of Revenue.

Exclusion of time in cases of appeals.

46. In computing the period of limitation prescribed for an appeal, the day on which the order complained of was made and the time requisite for obtaining a copy of the same shall be excluded.

Board to make rules as to form of registers, &c.

47. The Board of Revenue may, from time to time, with the sanction of the Local Government, by notification in the *Calcutta Gazette*, make rules consistent with this Act to regulate—

the form in which registers under this Act are to be kept,

the manner in which the searching and copying of registers is to be conducted, the fees payable in respect of the searching and copying of registers,

and generally for the purposes of this Act.

All such rules may, from time to time, subject to a like sanction and by a like notification, be amended, added to, or cancelled by, the Board.

Collector to furnish extract from register.

48. The Collector shall supply an extract from any register mentioned in this Act to any person who may apply for the same, subject to the payment of such fees for searching and copying as may be prescribed by the Board.

Permanent tenures subject to summary sale.

49. All permanent tenures registered under the provisions of this Act shall be liable to summary sale under the law for the time being in force for the sale of *Putnee Talooks*.

Saving clause.

50. Nothing contained in this Act, and nothing done in accordance with this Act, shall be deemed to

(*a*) render the entry of any land in the registers under this Act as a tenure an admission on the part of the Government of the right of the person in whose name such tenure may be entered, or an admission of the validity of the title under which the said tenure is held,

(*b*) affect the rights of the Government or of any person in respect of any immoveable property or of any interest except as otherwise expressly provided therein,

(*c*) apply to any of the tenures referred to in the Chota Nagpore Tenures Act (B.C.), 1869, or shall affect any register prepared under that Act.

CHAPTER II.

Of Compulsory Registration.

Application of Chapter limited.

51. The provisions of this Chapter shall apply only in any district or sub-division to which this Act, by a notification published under section one directing that registration of permanent tenures in such district or sub-division shall be compulsory, has been applied.

When registration is compulsory, application to be made to the Collector within a certain time.

52. Every person who at the commencement of this Act is a holder or manager of a permanent tenure shall, within six months from the commencement of this Act, and every person who at any time after the commencement of this Act becomes a holder or manager of a permanent tenure shall, within six months from such time, apply to the Collector for the registration of any permanent tenure held or managed by him, unless such tenure shall have been already registered under Chapter I of this Act.

Application to be similar to an application under section 6.

53. Every application made to the Collector under the last foregoing section shall be in all respects similar to an application to the Court under section six.

On receipt of application, Collector to order the other party to file a written statement.

54. The Collector, on receipt of an application for registration made under section fifty-two, shall issue an order upon the landlord of the permanent tenure in respect of which such application has been made in the manner prescribed in section thirty-two for the service of a notice issued under section

thirty-one, stating the name of the applicant and describing the tenure in respect of which possession is alleged and application for registration has been made, and calling upon him to file a written statement of his objections (if any) to the registration of such tenure within a time to be specified in such notice not less than one month from the date of the service of such notice.

If application is not disputed, Collector to register.

55. If the nature and conditions of the tenure, and the possession alleged by the applicant be not disputed by the landlord, the Collector shall forthwith register the tenure in the manner hereinbefore provided.

If possession only disputed, Collector, subject to application for reference to Court, to decide and register.

56. If the only question in issue between the applicant and the landlord is one of possession, the Collector shall, subject to the provisions contained in section fifty-eight, make such enquiry as appears to him necessary to ascertain the truth regarding the alleged possession of the permanent tenure in respect of which registration has been applied for, and if it appears to the Collector that the alleged possession exists, he shall pass an order to that effect, and when such order shall have become final, he shall forthwith register the tenure in the manner hereinbefore prescribed.

Order not to be questioned in civil suit.

57. No order passed under the last foregoing section shall be called in question in any civil suit by any of the parties to such proceeding before the Collector.

Question other than one of possession, or if a party applies, Collector to refer to Court.

58. If any question other than one of possession is in issue between the parties, or if either party, before the Collector commences an enquiry under section fifty-six, by a writing under his hand applies to the Collector to refer the matter to the Civil Court, the Collector shall transmit to the Court the application of the holder or manager, and the Court on receipt of such application shall proceed, so far as may be practicable, as if such application so received had been made under section six.

GORDON LEITH,
Offg. Asst. Secy. to the Govt. of Bengal,
Legislative Department.

The Calcutta Gazette.

PUBLISHED BY AUTHORITY.

WEDNESDAY, APRIL 7, 1886.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 19th March, 1886, and is hereby promulgated for general information :—

ACT No. XIII OF 1886.

THE INDIAN SECURITIES ACT, 1886.

CONTENTS.

SECTIONS.

1. Short title and commencement.
2. Repeal.
3. Definitions.
4. Notice of trust not receivable.
5. Right of survivors of joint payees of Government securities.
6. Prohibition of indorsements on allonges to Government securities.
7. Holding of Government securities by holders for the time being of public offices.
8. Transfer and discharge of certificates and coupons.
9. Indorser of Government security not liable for amount thereof.
10. Impression of signature on Government securities.
11. Issue of renewed securities.
12. Issue of duplicate securities.
13. Period after which the Government is released from liability in respect of original security.
14. Power of Governor General in Council to make rules.
15. Publication of drafts and rules.

An Act to consolidate and amend the law relating to Government Securities.

WHEREAS it is expedient to consolidate and amend the law relating to Government securities; It is hereby enacted as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Indian Securities Act, 1886; and

(*2*) It shall come into force on the first day of April, 1886.

(*3*) The power conferred on the Governor General in Council by section 7, sub-section (*1*), may be exercised at any time after the passing of this Act; but a notification issued in exercise of that power shall not take effect until the Act comes into force.

Repeal.

2. (*1*) On and from the day on which this Act comes into force, the Indian Securities Act, 1881, and the Indian Securities Act, 1885, shall be repealed.

(*2*) But any authority conferred, notification issued, list published or rule or order made under either of those Acts shall, so far as may be, be deemed to have been conferred, issued, published or made under this Act.

Definitions.

3. In this Act—

(*1*) "Government security" includes promissory notes, debentures, stock-certificates and all other securities issued by the Government of India or by any Local Government in respect of any loan contracted either before or after the passing of this Act, but does not include a stock-note or a currency-note : and

(*2*) "prescribed" means prescribed by rules made by the Governor General in Council.

Notice of trust not receivable.

4. No notice of any trust in respect of any Government security shall be receivable by the Government.

Right of survivors of joint payees of Government securities.

5. (*1*) Notwithstanding anything in the Indian Contract Act, 1872, section 45, when a Government security is payable to two or more persons jointly and either or any of them dies, the security shall be payable to the survivor or survivors of those persons.

(*2*) Nothing herein contained shall affect any claim which the representative of the deceased person may have against the survivor or survivors in respect of the security jointly payable to him or them and the deceased.

(*3*) This section shall apply whether the death of the person to whom the security was jointly payable occurred or occurs before or after this Act comes into force.

may

6. Notwithstanding anything in section 15 of the Negotiable Instruments Act, 1881, the holder of a Government security shall not be said to indorse the security, or be called the indorser thereof, if, when he signs the same for the purpose of negotiation, he inscribes his signature for that purpose elsewhere than on the back of the security itself.

Prohibition of indorsements or allonges to Government securities.

XXVI of 1881.

7. (*1*) In the case of any public office to which the Governor General in Council may, from time to time, by notification in the Gazette of India, declare this sub-section to apply, a Government security may be made or indorsed payable to or to the order of the holder for the time being of the office by the name of the office.

Holding of Government securities by holders for the time being of public offices.

(*2*) When a Government security is made or indorsed as aforesaid, it shall be deemed to be transferred without any or further indorsement from each holder for the time being of the office to the succeeding holder for the time being of the office on and from the date on which the latter takes charge of the office.

(*3*) When the holder for the time being of the office indorses to a third party a Government security made or indorsed as aforesaid, he shall subscribe the indorsement with his name and the name of the office.

(*4*) A writing on a Government security now or heretofore standing in the name of the holder of a public office, whereby the security has been or was made or indorsed payable to or to the order of the holder of the office for the time being, shall not be deemed to be or to have been invalid by reason only of the payee or indorsee being the holder for the time being of a public office by the name of the office.

(*5*) This section applies as well to an office of which there are two or more joint holders as to an office of which there is a single holder.

8. (*1*) Whenever the Governor General in Council has issued, in respect of any loan, a certificate declaring the bearer thereof to be entitled to the portion of the loan therein expressed, or a coupon for any amount payable as interest on any portion of the loan, the title to the certificate or coupon may be transferred as if the certificate or coupon were a promissory note payable to bearer.

Transfer and discharge of certificates and coupons.

(*2*) On payment, by or on behalf of the Government, to the bearer of the certificate or coupon, of the amount expressed therein, at or after the date on which it becomes due, the Government shall be discharged as if the certificate or coupon were a promissory note payable to bearer.

9. A person shall not, by reason only of his having indorsed a Government security, be liable to pay any money due, either as principal or as interest, thereunder.

Indorser of Government security not liable for amount thereof.

10. (*1*) The signature of the officer of the Government of India authorized to sign Government securities on behalf of the Government may be printed, engraved or lithographed, or impressed by such other mechanical process as the Governor General in Council may direct, on the securities.

Impression of signature on Government securities.

(*2*) A signature so printed, engraved, lithographed or otherwise impressed shall be as valid as if it had been inscribed in the proper handwriting of the officer.

11. A person claiming to be entitled to a Government security as payable to him under an indorsement may, on satisfying the prescribed officer of the justice of his claim and paying the prescribed fee and delivering the security duly receipted to the prescribed officer, obtain from the officer a renewed security issued payable to himself.

Issue of renewed securities.

12. (*1*) When a Government security is alleged to have been wholly or partly lost or destroyed, and a person claims to be the person to whom but for the loss or destruction it would be payable, he may, on application to the prescribed officer, and on producing proof to his satisfaction of the loss or destruction and of the justice of the claim, obtain from him an order for—

Issue of duplicate securities.

(*a*) the payment of interest in respect of the security said to be lost or destroyed pending the issue of a duplicate security; and

(*b*) the issue of a duplicate security payable to the applicant.

(*2*) An order shall not be passed under sub-section (*1*) until after the issue of the prescribed notification of the loss or destruction and after the expiration of the prescribed period, nor until the applicant has given the prescribed indemnity against the claims of all persons deriving title under the security lost or destroyed.

(*3*) A list of the securities in respect of which an order is passed under sub-section (*1*) shall be published in the Gazette of India at such times as the Governor General in Council may, from time to time, direct.

13. When a renewed security has been issued under section 11, or a duplicate security has been issued under section 12, the Government shall be discharged from all liability in respect of the original security of which the renewed or duplicate security has been issued—

Period after which the Government is released from liability in respect of original security.

(*a*) in the case of a renewed security, after the lapse of six years from the date of the issue of the renewed security;

(*b*) in the case of a duplicate security, after the lapse of six years from the date of the publication under section 12, sub-section (*3*), of the list in which the security is first mentioned, or from the date of the last payment of interest on the original security, whichever date is the later.

14. The Governor General in Council may, from time to time, make rules to prescribe—

Power of Governor General in Council to make rules.

(*a*) the mode in which payment of interest in respect of Government securities is to be recorded and acknowledged;

(*b*) the circumstances in which Government securities must be renewed before further payment of interest thereon can be claimed;

(*c*) the fees to be paid in respect of applications under sections 11 and 12;

(*d*) the form in which securities delivered for renewal are to be receipted;

(*e*) the officer who is to exercise all or any of the powers and perform all or any of the duties prescribed by sections 11 and 12;

(*f*) the proof which is to be produced by persons applying for duplicate securities;

(*g*) the form and mode of publication of the notification mentioned in section 12, and the period after which interest may be paid or a duplicate security may be issued under that section;

(*h*) the nature and amount of the indemnity to be given by a person applying under section 12 for the payment of interest or the issue of a duplicate security; and,

(*i*) generally, all matters connected with the grant of renewed and duplicate securities.

Publication of drafts and rules.

15. (*1*) The Governor General in Council shall, before making rules under section 14, publish a draft of the proposed rules in such manner as may, in his opinion, be sufficient for the information of the public.

(*2*) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(*3*) The Governor General in Council shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(*4*) Every rule made under section 14 shall be published in the Gazette of India, and the publication in that Gazette of a rule purporting to be made under that section shall be conclusive proof that it has been duly made.

S. HARVEY JAMES,

Offg. Secretary to the Government of India.

The following Report of the Select Committee on the Bill to amend the law relating to Government securities was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 12th March, 1886:—

LEGISLATIVE DEPARTMENT.

We, the undersigned, Members of the Select Committee to which the Bill to amend the law relating to Government Securities was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

Telegram from Chief Commissioner, Coorg, dated 17th February, 1886 [Paper No. 1].

From Secretary for Berar to Resident, Hyderabad, No. 43G., dated 13th February, 1886 [Paper No. 2].

From Under-Secretary to Chief Commissioner, Central Provinces, No. 549—33, dated 15th February, 1886 [Paper No. 3].

Telegram from Secretary to Government, North-Western Provinces and Oudh, dated 19th February, 1886 [Paper No. 4].

From Officiating Secretary to Government, Bengal, No. 605, dated 19th February, 1886, and enclosures [Paper No. 5].

Telegram from Chief Commissioner, Ajmer-Merwára, No. 3260., dated 21st February, 1886 [Paper No. 6].

From Acting Chief Secretary to Government, Madras, No. 421, dated 17th February, 1886, and enclosures [Paper No. 7].

Telegram from Secretary to Government, Bombay, dated 22nd February, 1886 [Paper No. 8].

From Officiating Secretary to Chief Commissioner, Assam, No. 378, dated 16th February, 1886 [Paper No. 9].

Telegram from Chief Commissioner, British Burma, dated 27th February, 1886 [Paper No. 10].

From Under-Secretary to Government, Bombay, No. 544, dated 1st March, 1886 [Paper No. 11].

2. We have added to the section respecting the holding of Government securities by holders for the time being of public offices two sub-sections, the one removing any doubt which may exist as to the validity of past indorsements in favour of holders for the time being of such offices, and the other declaring the section to apply not only to an office of which there is a single holder but to an office of which there are two or more joint holders.

3. We consider it desirable that the law relating to Government securities should be

consolidated. We have, therefore, proposed to repeal the Indian Securities Acts of 1881 and 1885, and to embody the substance of them and of the Bill in a single enactment.

4. The publication ordered by the Council has been made as follows :—

In English.

Gazette.	*Date.*
Gazette of India	6th, 13th and 20th February, 1886.
Fort Saint George Gazette	12th February, 1886.
Bombay Government Gazette	11th February, 1886.
Calcutta Gazette	10th, 17th and 24th February, 1886.
North-Western Provinces and Oudh Government Gazette	13th, 20th and 27th February, 1886.
Punjab Government Gazette	18th and 25th February, and 4th March, 1886.
Central Provinces Gazette	13th, 20th and 27th February, 1886.
British Burma Gazette	6th March, 1886.
Assam Gazette	6th March, 1886.

In the Vernaculars.

Province.	*Language.*	*Date.*
Bengal	Bengali ...	16th February, 1886.
North-Western Provinces and Oudh ...	Urdu ...	13th, 20th and 27th February, 1886.

5. We do not think that the measure has been so altered as to require re-publication, and we recommend that the Bill, as amended by us and consolidated with the Acts of 1881 and 1885, be passed.

A. COLVIN.
C. P. ILBERT.
G. H. P. EVANS.
ROBERT STEEL.
V. N. MANDLIK.

The 9th March, 1886.

S. HARVEY JAMES,
Offg. Secretary to the Government of India.

The Calcutta Gazette.

PUBLISHED BY AUTHORITY.

WEDNESDAY, APRIL 7, 1886.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART VI.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 19th March, 1886, and was referred to a Select Committee :—

No. 5 of 1886.

THE GUARDIANS AND WARDS BILL, 1886.

CONTENTS.

CHAPTER I.
PRELIMINARY.

SECTIONS.

1. Short title, local extent and commencement.
2. Repeal.
3. Saving of jurisdiction of Courts of Wards and Chartered High Courts.
4. Definitions.

CHAPTER II.
APPOINTMENT OF GUARDIANS.

5. Power of parents to appoint in case of persons subject to Indian Succession Act.
6. Saving of power to appoint in other cases.
7. Power of the Court to make order as to guardianship.
8. Persons entitled to apply for order.
9. Court having jurisdiction to entertain the application.
10. Form of application.
11. Procedure on admission of application.
12. Power to make interlocutory order for production of minor and interim protection of his person and property.
13. Hearing of evidence before making of order.

SECTIONS.

14. Appointment of several guardians.
15. Matters to be considered by the Court in appointing guardian.
16. Guardian of the person not to be appointed by the Court in certain cases.
17. Guardian of property to be appointed by the Court subject to restrictions in case of certain minors.

CHAPTER III.

DUTIES, RIGHTS AND LIABILITIES OF GUARDIANS.

General.

18. Fiduciary relation of guardian to ward.
19. Minor incompetent to act.

Guardian of the Person.

20. Duties of guardian of the person.
21. Title of guardian to custody of ward.
22. Removal of ward from jurisdiction.

Guardian of Property.

23. Duties of guardian of property.
24. Limitation of powers of guardian of property appointed or declared by the Court.
25. Practice with respect to limitation of powers of guardian of property.
26. General powers of guardian of property.
27. Right of guardian to apply to the Court for opinion in management of property of ward.
28. Obligations on, and privileges of, guardian of property.
29. Suit against guardian where administration-bond was taken.
30. Suit against guardian where administration-bond was not taken.
31. General liability of guardian as trustee.

Termination of Guardianship.

32. Right of survivorship among joint guardians.
33. Removal of guardian.
34. Discharge of guardian.
35. Cessation of authority of guardian.

The Guardians and Wards Bill, 1886.

(Chapter I.—Preliminary.—Sections 1-4.)

(Chapter II.—Appointment of Guardians.—Sections 5-8.)

CHAPTER IV.

SUPPLEMENTAL PROVISIONS.

SECTIONS.

36. Orders for regulating conduct or proceedings of guardians, and enforcement of those orders.
37. Penalty for removal of ward from jurisdiction.
38. Penalty for failure to account.
39. Saving of prosecutions under other laws.
40. Reports by Collectors and Subordinate Courts.
41. Orders appealable.
42. Finality of other orders.
43. Power of High Court to refuse applications capable of being dealt with by another Court.
44. Costs.
45. Power of High Court to make rules.
46. Applicability of Act to guardians already appointed by Court.

THE SCHEDULE.—ENACTMENTS REPEALED.

A Bill to Consolidate and amend the law relating to Guardian and Ward.

WHEREAS it is expedient to consolidate and amend the law relating to guardian and ward; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, local extent and commencement.

1. (*1*) This Act may be called the Guardians and Wards Act, 1886.

(*2*) It extends to the whole of British India except the Scheduled Districts; and

(*3*) It shall come into force on the first day of January, 1887.

(*4*) Any power conferred by this Act to make rules or issue orders may be exercised at any time after the passing of this Act; but a rule or order so made or issued shall not take effect until the Act comes into force.

Repeal.

2. (*1*) On and from the day on which this Act comes into force, the enactments mentioned in the schedule hereto annexed shall be repealed to the extent specified in the third column thereof.

(*2*) But all proceedings had, certificates granted, allowances assigned, obligations imposed and applications, appointments, orders and rules made under any of those enactments shall, so far as may be, be deemed to have been respectively had, granted, assigned, imposed and made under this Act.

(*3*) Any enactment or document referring to any of those enactments shall, so far as may be, be construed to refer to this Act or to the corresponding portion thereof.

Saving of jurisdiction of Courts of Wards and Chartered High Courts.

3. This Act shall be read subject to every enactment heretofore or hereafter passed relating to any Court of Wards by the Governor General in Council or by a Governor or Lieutenant-Governor in Council; and nothing in this Act shall be deemed to affect, or in any way derogate from, the jurisdiction or authority of any Court of Wards, or to take away any power possessed by any High Court established under the twenty-fourth and twenty-fifth of Victoria, chapter one hundred and four (*an Act for establishing High Courts of Judicature in India*).

Definitions.

4. In this Act, unless there is something repugnant in the subject or context,—

(*1*) "minor" means a person who has not reached the age of majority according to the law to which he is subject: [cf. Act I 1872, s. 11

(*2*) "guardian" means a person having the care of the person of a minor or of his property, or of both his person and property:

(*3*) "ward" means a minor for whose person or property, or both, there is a guardian:

(*4*) "the Court" means the Court having jurisdiction to entertain an application under this Act for the appointment, or declaration of the title, of a guardian; and, where a guardian has been appointed or declared in pursuance of any such application, it means the Court which appointed or declared the guardian, or the High Court to which that Court is subordinate, or, in any matter relating to the person of the ward, the High Court having jurisdiction in the place where the ward for the time being resides:

(*5*) "Collector" means the chief officer in charge of the revenue-administration of a district, and includes any officer whom the Local Government, by notification in the official Gazette, may, from time to time, by name or by virtue of his office, appoint to be a Collector in any local area, or with respect to any class of persons, for all or any of the purposes of this Act:

(*6*) "prescribed" means prescribed by rules made by the High Court under this Act.

CHAPTER II.

APPOINTMENT OF GUARDIANS.

Power of parents to appoint in case of persons subject to Indian Succession Act.

5. Where a minor is a person to whom the Indian Succession Act, 1865, applies, a guardian of his person or property, or both, may be appointed by will or other instrument to take effect on the death of the person appointing— [Act X 1874, s. 3. Act X, 1 s. 47.] X of 18

(*a*) if the minor is legitimate, by the father, or by either parent if the other is dead or incapable of acting;

(*b*) if the minor is illegitimate, by the mother.

Saving of power to appoint in other cases.

6. Where a minor is a person to whom the Indian Succession Act, 1865, does not apply, nothing in this Act shall take away or derogate from any power to appoint a guardian of his person or property, or both, which is valid by the law to which he is subject. [New.] X of 18

Power of the Court to make order as to guardianship.

7. Where it appears to the Court that provision ought to be made— [Act XL, ss. 7 and Act IX, 18 s. 3: Act X 1864, ss. 6 8: Act XI 1874, ss. 4 and 7.]

(*a*) for appointing a guardian of the person or property, or both, of a minor, or

(*b*) for declaring the title of a person claiming to be such a guardian,

the Court may make an order accordingly.

Persons entitled to apply for order.

8. An order may be made under the last foregoing section on the application of— [Act XL, ss. 3 and 4 Act IX, 18 s. 1: Act 1864, ss. and 3 Act XIII, 1874, s. 5.]

(*a*) the person desirous of being, or claiming to be, the guardian of the minor, or

The Guardians and Wards Bill, 1886.

(*Chapter II.—Appointment of Guardians.—Sections 9-14.*)

(*b*) any relative or friend of the minor, or

(*c*) the Collector of the district or other local area within which the minor resides or has property, or

(*d*) the Collector having authority with respect to the class to which the minor belongs.

[Act XL, 1858, s. 29; Act IX, 1861, s. 1; Act XX, 1864, s. 4; Act XIII, 1874, s. 2; Act X, 1865, s. 364; Act V, 1881, s. 37.]

9. (*1*) The application shall be made either to the High Court having jurisdiction in the place where the minor resides or has property, or to the District Court having jurisdiction in that place.

Court having jurisdiction to entertain the application.

[Agore Law Lectures, p. 157, 156 and 157.]

(*2*) An application with respect to the guardianship of the person of a minor shall ordinarily be made to the Court having jurisdiction in the place where the minor resides.

[Act X, 1865, s. 341, and Act V, 1881, s. 37.]

(*3*) If an application with respect to the guardianship of the person or property, or both, of a minor is made to a Court other than that having jurisdiction in the place where the minor resides, the Court may refuse the application if in its opinion the application would be disposed of more justly or conveniently by any other Court having jurisdiction.

[Act XIII, 1874, s. 5.]

10. (*1*) The application shall be by petition setting forth the grounds of the application, and stating—

Form of application.

(*a*) the age and residence of the minor;

(*b*) the nature and value of his property (if any);

(*c*) where the person or property of the minor is not in the custody or possession of the petitioner, the person (if any) having the custody or possession of the person or property of the minor;

(*d*) what relations the minor has, and where they reside;

(*e*) whether an application has at any time been made to the Court or to any other Court with respect to the guardianship of the person or property, or both, of the minor, and, if so, when, to what Court and with what result;

(*f*) where the application is to appoint a guardian, the qualifications of the proposed guardian and his willingness to act;

(*g*) where the application is to declare the title of a guardian, the grounds on which that title rests; and

(*h*) such other particulars, if any, as may be prescribed or as the nature of the application renders it necessary to state.

(*2*) The petition shall be verified by the petitioner or some other competent person in manner required by law for the verification of plaints, and may be received as evidence of the facts stated therein.

11. (*1*) If the Court is satisfied that there is ground for proceeding on the application, it shall fix a day for the hearing thereof, and cause notice of the application and of the date fixed for the hearing—

Procedure on admission of application.

[Act XL, 1858, s. 6, and Act XX, 1864, s. 5.]

(*a*) to be served, in the manner directed in the Code of Civil Procedure, on the person (if any) named in the petition as having the custody or being in possession of the person or property of the minor, and on any other person to whom, in the opinion of the Court, special notice of the application should be given; and

[Act XIII, 1874, s. 5; XIV of 1882.]

(*b*) to be posted on some conspicuous part of the court-house, and otherwise published in such manner as the Court, subject to any rules made by the High Court under this Act, thinks fit.

(*2*) When any part of the property described in the petition is of such nature that a Court of Wards could assume the superintendence thereof, the Court shall also cause a notice as aforesaid to be served on the Collector in whose district the minor resides, and on every Collector in whose district any portion of that part of the property is situate, and the Collector may cause the notice to be published in any manner he deems fit.

[Circular Order No. 30 of 1880—High Court, North-Western Provinces.]

12. The Court may direct that the person (if any) having the custody of the minor shall produce him at such place and time as it appoints, and may make such order for the temporary custody and protection of the person or property of the minor as it thinks proper.

Power to make interlocutory order for production of minor and interim protection of his person and property.

[Act IX, 1861, s. 2, and Act XIII, 1874, s. 6.]

13. On the day fixed for the hearing of the application, or as soon afterwards as may be, the Court shall hear such evidence as may be adduced in support of or in opposition to the application.

Hearing of evidence before making of order.

[Act IX, 1861, s. 3 and Act XIII, 1874, s. 7.]

14. (*1*) If the law to which the minor is subject admits of his having two or more joint guardians of his person or property, or both, the Court may, if it thinks fit, appoint or declare them.

Appointment of several guardians.

[Act XIII, 1874, s. 21.]

(*2*) Separate guardians may be appointed or declared of the person and of the property of a minor.

(*3*) If a minor has several properties, the Court may, if it thinks fit, appoint or declare a separate guardian for any one or more of the properties.

[Act XIII, 1874, s. 4.]

(*4*) If the Court appoints or declares a guardian for any property situate beyond the local limits of its jurisdiction, the Court having jurisdiction in the place where the property is situate shall accept the guardian as duly appointed or declared and give effect to the order appointing or declaring him.

[Act XIII, 1874, s.

The Guardians and Wards Bill, 1886.

(Chapter II.—Appointment of Guardians.—Sections 15-17.)

(Chapter III.—Duties, Rights and Liabilities of Guardians.—Sections 18-22.)

[Act XIII, 1874, s. 19.]

Matters to be considered by the Court in appointing guardian.

15. (*1*) In appointing or declaring the guardian of a minor the Court shall be guided by the law to which the minor is subject and by what appears to be, consistently with that law, for the best interest of the minor with respect to his mental, moral and temporal welfare.

(*2*) In considering what will be for the best interest of the minor, the Court shall have regard to his age, his relationship to the proposed guardian, the wishes of a deceased parent (if any), and any existing or previous connection of the proposed guardian with the person or property of the minor.

(*3*) If the minor is old enough to form an intelligent preference, the Court may consider that preference.

X of 1885.

(*4*) In the case of persons to whom the Indian Succession Act, 1865, applies, as between parents adversely claiming the guardianship, neither parent is entitled to it as of right; but, other things being equal in such case, if the minor is of tender years, he should be given to the mother, and if he is of an age to require education and preparation for labour and business, then to the father.

[New.]

(*5*) Where the minor is a member of an undivided Hindu family, special weight is to be attached to any claim which the managing member of the family may make to be appointed or declared guardian, and to any objection which he may take to an appointment or declaration asked for in an application.

(*6*) The Court shall not appoint a person to be guardian against his will.

[Act XL, 1858, s. 27: Act XX, 1864, s. 31: Act XIII, 1874, s. 25: and Act XVII, 1885, s. 8.]

Guardian of the person not to be appointed by the Court in certain cases.

16. Nothing in this Chapter shall authorise the Court to appoint or declare a guardian of the person of a minor—

(*a*) who is a married female cohabiting with her husband, or

(*b*) whose father is living and is not a minor or, in the opinion of the Court, unfit to perform, or incapable of performing, the duties of a guardian of the person of the minor, or

(*c*) whose property is under the superintendence of a Court of Wards competent to appoint a guardian of his person.

[New.]

Guardian of property to be appointed by the Court subject to restrictions in case of certain minors.

17. Where under this Chapter the Court appoints or declares a guardian of the property of a minor who is a member of an undivided Hindu family, it shall, except where it is proved to the satisfaction of the Court that the interests of the minor have been actually imperilled, appoint or declare the guardian subject to such restrictions as will prevent him from interfering with the powers of the managing member of the family.

CHAPTER III.

DUTIES, RIGHTS AND LIABILITIES OF GUARDIANS.

General.

Fiduciary relation of guardian to ward.

18. (*1*) A guardian must act for the benefit of his ward.

[Seton's Decrees, 730, and Act XL, 1858, s. 18.]

(*2*) He cannot make any profit out of his office.

(*3*) With respect to the property of the ward, he stands in the position of trustee for the ward and is responsible for any loss occasioned to the property by his wilful default or gross negligence.

(*4*) This fiduciary relation extends to and affects purchases by a guardian of the property of his ward immediately or soon after the ward has ceased to be a minor, and generally all transactions between them while the influence of the guardian still lasts or is recent.

Minor incompetent to act.

19. A minor is incompetent to act as guardian.

[Act XIII, 1874, s. 19.]

Guardian of the Person.

Duties of guardian of the person.

20. A guardian of the person of a ward is charged with the custody of the ward, and must look to his support, health and education, and such other matters as the law to which the ward is subject requires.

[Act XIII, 1874, ss. 11 and 12.]

Title of guardian to custody of ward.

21. (*1*) If a ward leaves the custody of his guardian, he may be compelled by order of the Court to return to that custody.

[Act XIII, 1874, s. 13.]

(*2*) But the Court may refuse to make an order for his return to the custody of the guardian if it appears—

(*a*) that the ward has been ill-treated by the guardian; or

(*b*) that the conduct of the guardian in any other respect has rendered him unfit to have the custody of the ward; or

(*c*) that the ward is, on reasonable grounds not inconsistent with the law to which he is subject, unwilling to return, and, having attained to years of discretion, is capable of exercising a wise choice as to the custody in which he will remain.

(*3*) The residence of a ward against the will of his guardian with a person who is not his guardian does not of itself terminate the guardianship.

[Eversley's Domestic Relations, 691-92.]

Removal of ward from jurisdiction.

22. (*1*) A guardian of the person appointed or declared by the Court shall not, without the leave of the Court by which he was appointed or declared, remove the ward from the limits of its jurisdiction, except for such temporary purposes as may be prescribed or for the purpose of placing him beyond those limits at an educational institution appointed by the Local Government administering the territories

[Act XIII, 1874, s. 14.]

The Guardians and Wards Bill, 1886.

(*Chapter III.—Duties, Rights and Liabilities of Guardians.—Sections 23-27.*)

within which the Court is established as an institution to which a guardian may send a ward without the leave of the Court.

(2) The leave granted by the Court under subsection (1) may be special or general, and may be denied by the order granting it.

Guardian of Property.

III, 15.] **23.** (1) A guardian of the property of a ward must keep that property safely.

Duties of guardian of property.

(2) In the case of immoveable property, he must not suffer any waste, but must maintain the buildings (if any) thereon and their appurtenances out of the rents and profits of the property.

18: X, 18: XIII, 16.] **24.** Where a guardian of the property of a ward has been appointed or declared by the Court, he shall not, without the previous permission of the Court,—

Limitation of powers of guardian of property appointed or declared by the Court.

(*a*) borrow for his ward; or

(*b*) mortgage, charge or transfer by sale, gift, exchange or otherwise any part of the immoveable property of his ward; or

(*c*) lease any part of that property for a term exceeding three years; or

(*d*) transfer any Government securities belonging to the ward, or the shares or other interest of the ward in any company; or

(*e*) dispose of any other part of the principal of the property of the ward:

ct V, s. 90.] Provided that the Court may, subject to any rules made by the High Court under this Act, exempt a guardian from the necessity of obtaining the permission of the Court under this section, either generally or in special circumstances, and as to either the whole or any specified part of the property of the ward.

.] **25.** (1) Permission to the guardian to do any of the acts mentioned in the last foregoing section shall not be granted by the Court except in case of necessity or for an evident advantage to the ward.

Practice with respect to limitation of powers of guardian of property.

(2) The order granting the permission shall recite the necessity or advantage, as the case may be, describe the property with respect to which the act permitted is to be done, and specify such conditions, if any, as the Court may see fit to attach to the permission; and it shall be recorded, dated and signed by the Judge of the Court with his own hand, or, when from any cause he is prevented from recording the order with his own hand, shall be taken down in writing from his dictation and be dated and signed by him.

(3) The Court may in its discretion attach to the permission the following among other conditions, namely:— [New.]

(*a*) that a sale shall be made to the highest bidder by public auction, before the Court or some person specially appointed by the Court for that purpose, at a time and place to be specified by the Court, after such proclamation of the intended sale as the Court, subject to any rules made by the High Court under this Act, directs;

(*b*) that a lease shall not be made in consideration of a premium, or shall be made for such term of years and subject to such rents and covenants as the Court directs;

(*c*) that the whole or any part of the proceeds of the act permitted shall be paid into the Court by the guardian to be invested by the Court on prescribed securities or otherwise disposed of as the Court directs.

(4) Before granting permission to a guardian to do an act mentioned in the last foregoing section the Court may cause notice of the application for the permission to be given to any relative or friend of the ward who should, in its opinion, receive notice thereof, and shall hear, and record the statement of, any person who appears in opposition to the application. [New.]

26. (1) Where a guardian of the property of a ward has been appointed or declared by the Court, the Court may from time to time, by order, define, restrict or extend his powers with respect to the property of the ward in such manner and to such extent as it may consider to be for the advantage of the ward and consistent with the law to which the ward is subject. [Act XL, 1858, s. 2: Act XX, 1864, s. 1: and Act XIII, 1874, s. 20.]

General powers of guardian of property.

(2) Subject to any such order and subject also to sections 17 and 24, a guardian appointed by or under a will or other instrument shall, with respect to the property of his ward, have such powers and be subject to such restrictions as are conferred or imposed on him by that instrument.

(3) Subject to the foregoing provisions of this section, a guardian of the property of a ward may do all acts which are reasonable and proper for the realization, protection or benefit of the property of the ward and are allowed by the law to which the ward is subject. [Act II, 1882, s. 36.]

27. (1) A guardian may apply by petition to the Court for its opinion, advice or direction on any present questions respecting the management or administration of the property of his ward, other than questions not proper, in the opinion of the Court, for summary disposal. [Act II, 1882, s. 34.]

Right of guardian to apply to the Court for opinion in management of property of ward.

The Guardians and Wards Bill, 1886.

(Chapter III.—Duties, Rights and Liabilities of Guardians.—Sections 28-33.)

(2) A copy of the petition shall be served upon, and the hearing thereof may be attended by, such of the persons interested in the application as the Court thinks fit.

(3) The guardian stating in good faith the facts in the petition and acting upon the opinion, advice or direction given by the Court shall be deemed, so far as regards his own responsibility, to have discharged his duty as guardian in the subject-matter of the application.

[Act XIII, 1874, s. 18.]

Obligations on, and privileges of, guardian of property.

28. Where a guardian of the property of a ward has been appointed or declared by the Court, he shall—

[Act X, 1865, s. 256, and Act V, 1881, s. 78.]

(*a*) if so required by the Court, give a bond, as nearly may be in the prescribed form, to the Judge of the Court to enure for the benefit of the Judge for the time being, with or without sureties, as may be prescribed, engaging duly to account for what he may receive in respect of the property of the ward;

[Act XL, 1858, s. 16, and Act X 1864, s. 16.]

(*b*) deliver to the Court, within six months from the date of his appointment or declaration by the Court, or within such shorter time as the Court directs, a statement of the immoveable property belonging to the ward, of the money and other moveable property which he has received on behalf of the ward up to the date of delivering the statement, and of the debts due on that date to or from the ward;

[Act XL, 1858, s. 16, and Act XX, 1864, s. 16.]

(*c*) exhibit his accounts in the Court at such times and in such form as the Court directs;

[Act XL, 1858, s. 17, and Act XX, 1864, s. 17.]

(*d*) if the Court so directs, pay into the Court the balance due from him on those accounts, or so much thereof as the Court directs, in the manner in which money is required by any rules for the time being in force to be paid into that Court;

[Act XL, 1858, s. 11: Act XX, 1864, s. 10: and Act XIII, 1874, s. 17.]

(*e*) apply for the maintenance, education and advancement of the ward such portion of the income of the property of the ward as the Court directs, and, if the Court so directs, the whole or any part of the principal of that property; and

[Act XL, 1858, s. 24, and Act XX, 1864, s. 24.]

(*f*) be entitled to such allowance, if any, as the Court thinks fit for his care and pains in the execution of his duties.

[Act X, 1865, s. 257, and Act V, 1881, s. 79. I. L. R. 5 All. 248.]

Suit against guardian where administration-bond was taken.

29. Where a guardian has given a bond duly to account for what he may receive in respect of the property of his ward, the Court may at any time, on being satisfied that the engagement of the bond has not been kept, and upon such terms as to security, or providing that the money received be paid into the Court, or otherwise, as the Court thinks fit, assign the bond to some proper person, who shall thereupon be entitled to sue on the bond in his own name as if the bond had been originally given to him instead of to the Judge of the Court, and shall be entitled to recover thereon, as trustee for the ward, the full amount recoverable in respect of any breach thereof.

Suit against guardian where administration-bond was not taken.

30. Where a guardian has not given a bond as aforesaid, any person, with the leave of the Court, may sue as next friend, at any time during the continuance of the minority of the ward, and upon such terms as aforesaid, institute a suit against the guardian, or, in case of his death, against his legal representatives, for an account of what the guardian has received in respect of the property of the ward, and may recover in the suit, as trustee for the ward, the full amount found in the suit to have been received by the guardian and not to have been duly accounted for.

[Act 1858, and A 1864,

General liability of guardian as trustee.

31. Nothing in either of the last two foregoing sections shall be construed to deprive a ward or his legal representative of any remedy against his guardian, or the legal representative of the guardian, which, not being expressly provided in either of those sections, any other beneficiary or his legal representative would have against his trustee or the legal representative of the trustee.

[Act 1858, and A 1864,

Termination of Guardianship.

Right of survivorship among joint guardians.

32. On the death of one of two or more joint guardians, the guardianship continues to the survivor or survivors until a further appointment is made by the Court.

[Act 1874,

Removal of guardian.

33. (*1*) The Court may, on the application of any person interested, or of its own motion, remove a guardian for any of the following causes, namely:—

[Act s. 21 1864, and A 1874, and 2

(*a*) for abuse of his trust;

(*b*) for continued failure to perform its duties;

(*c*) for incapacity to perform its duties;

(*d*) for gross immorality;

(*e*) for having an interest adverse to the faithful performance of his duties;

(*f*) for removal from the local limits of the jurisdiction of the Court;

(*g*) by reason of the arrival within those limits of some person whose guardianship the Court may think likely to be more beneficial to the ward than that of his guardian; or

(*h*) in the case of a guardian of the property, for insolvency.

(*2*) When a guardian has been removed for any such cause, the Court may appoint a successor to him under the provisions of Chapter II.

The Guardians and Wards Bill, 1886.

(Chapter III.—Duties, Rights and Liabilities of Guardians.—Sections 34-35

(Chapter IV.—Supplemental Provisions.—Sections 34-41.)

[Act XL, 1858, s. 23: Act XX, 1864, s. 23: and Act XIII, 1874, s. 23.]

34. (*1*) If a guardian desires to resign his office, he may apply to the Court to be discharged.

Discharge of guardian.

(*2*) If the Court finds that there is some other proper person whom it may appoint to be guardian, under the provisions of Chapter II, it shall discharge the applicant from the guardianship and appoint the other person in his place.

[Act XL, 1858, s. 24: Act XX, 1864, s. 24: and Act XIII, 1874, s. 25.]

35. (*1*) The power of a guardian of the person ceases—

Cessation of authority of guardian.

(*a*) by his removal or discharge;

(*b*) by the Court of Wards assuming superintendence of the person of the ward;

(*c*) by the ward ceasing to be a minor;

(*d*) in the case of a female ward, by her marriage followed by cohabitation with her husband; or

(*e*) in the case of a ward whose father was a minor, or deemed unfit to perform, or incapable of performing, the duties of a guardian of the person of the ward, by the father ceasing to be a minor or, as the case may be, to be deemed unfit or incapable as aforesaid.

(*2*) The power of a guardian of the property ceases—

(*a*) by his removal or discharge;

(*b*) by the Court of Wards assuming superintendence of the property of the ward; or

(*c*) by the ward ceasing to be a minor.

[Act XL, 1858, s. 21, and Act XX, 1864, s. 21.]

(*3*) When for any cause a person ceases to be a guardian, the Court may require him to deliver as it directs any property in his possession belonging to the ward.

[Act XL, 1858, s. 23, and Act XX, 1864, s. 23.]

(*4*) When he has delivered as the Court directs the property, if any, in his possession belonging to the ward, the Court may declare him to be discharged from his liabilities as guardian, save as regards any fraud which may subsequently be discovered.

CHAPTER IV.

SUPPLEMENTAL PROVISIONS.

[Act XL, 1858, s. 21: Act XX, 1864, s. 21: Act XIII, 1874, s. 20: and Act XIV, 1882, s. 493.]

36. (*1*) The Court may, on the application of any person interested or of its own motion, make an order regulating the conduct or proceedings of any guardian who has not been appointed by a Court of Wards, whether the guardian has been appointed or declared by the Court under this Act or not.

Orders for regulating conduct or proceedings of guardians, and enforcement of these orders.

(*2*) In case of disobedience to an order made under sub-section (*1*), the order may be enforced in the same manner as an injunction granted

XIV of 1882. under section 492 or section 493 of the Code of Civil Procedure, as if the guardian were defendant and the ward the plaintiff.

[Act XII 1874, s.]

37. If, for the purpose or with the effect of preventing the C from exercising its auth with respect to a ward, guardian of the ward removes him from th its of the jurisdiction of the Court in cont tion of the prohibition contained in section 22 shall be liable, by order of the Court, to fine n ceeding one thousand rupees, or to impriso t for a term which may extend to six month to both.

Penalty for removal of ward from jurisdiction.

[Act XL, 1858, s. 22, and Act XX, 1864, s. 22.]

38. If a guardian fails to deliver he Court, within six mo from the date of his appo ent or declaration by the Court, or within su orter time as the Court directs, the statement ntioned in clause (*b*) of section 28, or to exhi is accounts in the Court, as required by clause of that section, or to pay into the Court the ce due from him on those accounts, as requir y clause (*d*) of that section,

Penalty for failure to account.

or if a person who has ceased t e a guardian fails, on the requisition of the rt, to deliver as the Court directs any property his possession belonging to the ward,

he shall be liable, by order of e Court, to fin e not exceeding one hundred rup , and, in case of recusancy, to further fine n exceeding fifty rupees for each day after the st during which the default continues and detention in the civil jail until he consents to d er the statement, or exhibit the accounts, or y the balance, or deliver the property, as the c may be.

[Act V, 1886, s. 14.]

39. Nothing in this Act ll prevent a person from ng prosecuted under any or law for an act or omission which constitutes offence against this Act, or from being liable nder that other law to any other or higher nishment or penalty than that provided by this ct:

Saving of prosecutions under other laws.

Provided that a perso shall not be punished twice for the same offenc

[Act XL, 1858, ss. 6 and 8, and Act XX, 1864, ss. 5 and 7.]

40. The Court may l upon the Collector, or up any Court subordinate to the Court, for a report o any matter arising in any proceeding under this ct and treat the report as evidence.

Reports by Collectors and Subordinate Courts.

[Act XL, 1858, s. 28: Act XX, 1864, s. 33: and Act IX, 1861, s. 5.]

41. An appeal sh lie to the High Court rom an order made by a District Court—

Orders appealable.

(*a*) under section , appointing or declaring or refusing to ppoint or declare a guardian; or

(*b*) under sectio 9, sub-section (*3*), refusing an applicatio ; or

(*c*) under sectio 21, making or refusing to make an order for the return of a ward to the custody f his guardian; or

The Guardians and Wards Bill, 1886.

(*Chapter IV.—Supplemental Provisions.—Sections 42-46.*)

(*The Schedule.—Enactments repealed.*)

(*d*) r section 24, refusing to grant permission to the guardian to do an act mened in that section; or

(*e*) u section 26, sub-section (*1*), defining, icting or extending the powers of a dian; or

(*f*) u section 33, sub-section (*1*), removing rdian; or

(*g*) un section 34, refusing to discharge a gan; or

(*h*) und ction 36, regulating the conduct or prdings of a guardian, or enforcing the r; or

(*i*) under ion 37 or section 38, imposing a pena

[Act IX, 1861, s. 6, and Act XIII, 1874, s. 9.] XIV of 1882.

42. Save as ovided by the last foregoing section and by section 622 of the Code of Civil Procedure, an order made under this Act shall be final, shall not be liable to be contested by suit otherwise.

Finality of orders.

[Act X, 1865, s. 241, and Act V, 1881, s. 57.]

43. The High urt may refuse an application made to it under this Act if in its opinion the application would be disposed of more justly or conveniently by any other Court having jurisdiction.

Power of High C to refuse applicat capable of being d with by another Court

[Act XL, 1858, s. 13, and Act XX, 1864, s. 13.]

44. The costs o ny proceeding under this Act shall, subject to any rules made by the High Court under this Act, be the discretion of the Court in which the proceedin s held.

Costs.

[New cf. Act XIII, 1874, s. 8.]

45. In addition any other power to make rules conferred expressly or impliedly by this Act, the High Court may from time to time make rules—

Power of High Court to make rules.

(*a*) as to the proce re to be followed with respect to applications of guardians for permission to acts mentioned in section 24;

(*b*) as to the securi to be required from guardians;

(*c*) as to the preserva on of statements and accounts delivered nd exhibited by guardians;

(*d*) as to the inspection those statements and accounts by persons nterested;

(*e*) as to the custody of oney, and securities for money, belonging wards;

(*f*) as to the securities on hich money belonging to wards may be ivested;

(*g*) as to allowances to be gnted to guardians for their care and pains n the execution of their duties; and

(*h*) generally, for carrying ou the purposes of this Act.

46. A guardian appointed by, or holding a certificate of administration from, a Civil Court und any enactment repealed by this Act shall, save as may be prescribed, be subject to the provisions of this Act, and of the made under it, as if he had been appointed und Chapter II.

Applicability of act to guardians already appointed by Court.

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THE SCHEDULE.

ENACTMENTS REPE LED.

(*See section 2.*)

Number and year.	Title or subject.	Extent of repeal
	Acts of the Governor General in Council.	
XIV of 1858	Minors (Madras) . .	The whole.
XL of 1858	Minors (Bengal) . .	So much as has not been repealed.
XX of 1864	Minors (Bombay) . .	The whole.
IX of 1861	Minors . . .	The whole.
VII of 1870	Court-fees . . .	Section 19 H, and article 10 of Schedule I.
IV of 1872	Punjab Laws . .	So far as it relates to Act XL of 1858.
XIX of 1873	North-Western Provinces Land-revenue.	Section 258.
XIII of 1874	European British Minors .	The whole.
XV of 1874	Laws Local Extent . .	So far as it relates to any enactment repealed by this Act.
XVII of 1875	Burma Courts . .	Section 96.
XX of 1875	Central Provinces Laws .	So far as it relates to Act XL of 1858.
XVIII of 1876	Oudh Laws . . .	So far as it relates to Act XL of 1858.
	Madras Regulations.	
V of 1804	Court of Wards . .	Section 20 and so much of sections 21 and 22 as relates to person and property of minors not subject to the superintendence of the Court of Wards.
X of 1831	Minors' Estates . .	Section 3.

STATEMENT OF OBJECTS AND REASONS.

THIS Bill to consolidate and amend the law relating to Guardian and Ward is based on opinions elicited by a reference to Local Governments and High Courts on the subject of certain defects in the law relating to the guardianship of minors, and its object is to provide a law of Guardian and Ward applicable as far as possible to all classes of Her Majesty's subjects in British India.

2. Among the enactments which the Bill will supersede are Act XL of 1858 and portions of the Madras Code, relating to minors in the Presidencies of Bengal and Madras who are not European British subjects and are not under the superintendence of a Court of Wards; Act XX of 1864, relating to minors in the Presidency of Bombay who are not European British subjects; Act IX of 1861, relating to the custody and guardianship of minors who are not European British subjects; and Act XIII of 1874, relating to the guardianship of European British minors in territories beyond the jurisdiction of the chartered High Courts.

3. The Bill, which follows generally the frame of Act XIII of 1874, is drawn as applicable to all District Courts and High Courts (including the chartered High Courts) and to minors of all creeds and races. But it does not take away any of the powers at present possessed by the chartered High Courts, and it provides that, in the selection of guardians and other matters, regard shall be had to the personal law of the minor. The jurisdiction and authority of Courts of Wards are expressly saved and will not be in any way affected by the proposed law.

4. One effect of the assimilation of the law will be to do away with the rule, which obtains in the Presidencies of Bengal and Bombay, that no person shall be entitled to institute or defend any suit connected with a minor's estate of which he claims the charge until he has obtained a certificate of administration. It is proposed that suits by and against minors shall be regulated by Chapter XXXI of the Code of Civil Procedure, and that, in a Bill which is to be introduced to amend that Code, provision be inserted conferring, among other privileges, on a guardian who has been appointed, or whose title has been declared, under the Guardians and Wards law, a preferential right to be appointed next friend or guardian for the suit.

5. The several sections of the Bill which appear to call for remark will now be noticed in consecutive order.

6. *Section 4, clause* (*1*).—In connection with section 26, Act XL of 1858, section 30, Act XX of 1864, and section 2, Act XIII of 1874, the question arose whether the age of majority should be dealt with in the Bill. As there was no necessity to deal with it, it was considered expedient to avoid the difficulty of doing so by defining "minor," in the terms of section 11 of the Indian Contract Act, 1872, as a person who has not reached the age of majority according to the law to which he is subject.

7. *Section 4, clause* (*2*).—"Guardian" has been so defined as to mean any person having the care of the person of a minor or of his property, or of both his person and property. The Bill, therefore, relates to guardians generally except where it is expressed to relate to particular classes of guardians.

8. *Section 5.*—This section follows Act XIII of 1874, which, in recognising in certain circumstances the right of a mother to appoint a guardian, was based on the New York Civil Code. The section goes beyond section 47 of the Indian Succession Act and beyond the English law. But under the English law an appointment by a mother is not now wholly ineffectual, and is likely at no distant date to be declared to be valid except in so far as it may interfere with an appointment by the father.

9. *Sections 9 and 43.*—The High Court and District Court will have concurrent jurisdiction, but the High Court may refuse an application with respect to the guardianship of a minor if in its opinion the application would be disposed of more justly or conveniently by a District Court. Where the application is with respect to the guardianship of the person of a minor, it is ordinarily to be made to the Court having jurisdiction in the place where the minor resides, that being the Court which can most effectively discharge the duties incident to the appointment of a guardian to the person of the minor.

10. *Section 11, sub-section* (*2*).—The sub-section follows an order made by the High Court of Judicature for the North-Western Provinces with a view to facilitating the discharge by Collectors of their duty of ascertaining and reporting to the Court of Wards from time to time what proprietors may come within the description of disqualified landholders.

11. *Section 14, sub-section (4).*—The rule laid down in this sub-section is, as explained by Sir Arthur Hobhouse with respect to the corresponding section in Act XIII of 1874, based solely on grounds of convenience.

12. *Section 15, sub-section (5), and section 17.*—As regards a minor who is a member of an undivided Hindu family, it seems to be generally admitted that it is desirable, as a rule, to leave him to his natural guardians without interference. But such a minor has certain rights in respect of the family property, and those rights are capable of being protected by a guardian. The guardian could not assume the management of the common property, and possibly he would, owing to the constitution of the co-ownership, be debarred from taking directly even a share in the management, and be confined to a mere power of control from without and a right in the last resort to demand a partition. But even this limited authority might in some cases be of great importance.

As regards the view hitherto taken by the Courts on this subject, it has indeed been held by the High Courts at Fort William and Bombay that Acts XL of 1858 and XX of 1864 could not be applied where the minor had no rights except as a member of an undivided Hindu family (I. L. R. 5 Cal. 219 and 3 Bom. 431, and 12 Bo. H. C. Rep. 247). Some doubt has been thrown on this view by the case before the Privy Council reported in I. L. R. 8 Cal. 656 (I. L. R. 6 Bom. 595 and 8 Bom. 396); but in any case it is a view which seems to be based on the peculiar wording of those Acts, which have been construed as contemplating an actual and (perhaps) corporeal taking charge of and management of some tangible property. In other words, these cases merely decide that under the particular Acts a manager cannot be appointed for a minor member of a pure joint family, not that such a manager is a thing inconceivable or impossible (I. L. R. 7 Cal. 369).

As regards the provisions of certain enactments which allow the Court of Wards to take charge only of the estate of a minor who is a sole owner (Act IV, 1872, section 35, Act XVII, 1876, section 161, and Bengal Act IX, 1879, section 7), they are to be accounted for by the fact that these enactments were designed mainly to guard against the risk of loss of revenue from an estate being left without any competent person in charge of it. That it was not considered impossible to take charge of the interest of a minor shareholder is manifest from Madras Regulations V of 1804, section 20, and X of 1831, section 3, and from the circumstance that section 14 of Act XL of 1858 and other similar enactments provide for the Collector taking charge of the share of a co-owner who is still a minor on the estate escaping from the management of the Court of Wards owing to the other co-owners having come of age. The Courts of Wards in the North-Western Provinces (Act XIX of 1873) and Central Provinces (Act XVII of 1885) are not precluded from assuming superintendence of the interest of a disqualified person who is a co-owner in an estate with other persons who are not disqualified.

It may be gathered from the proceedings of the Legislative Council, 1854-55, pages 61[illegible] *et seq.*, that it was the intention of the framers of Act XL of 1858 that the Civil Court should appoint guardians for minors owning shares in estates, and it would seem that it is only owing to the peculiar wording of the Act, coupled perhaps with a natural disinclination on the part of the Courts to interfere between joint-owners, that that intention has been defeated.

13. *Section 18.*—This section lays down certain general propositions based on the fact that guardianship is a trust, and that the relationship between guardian and ward is one *uberrimæ fidei*, not only while it lasts, but even after it has ceased to exist.

14. *Sections 24 and 25.*—These sections are based on section 18 of the Acts of 1858 and 1864 and the corresponding section of the Act of 1874, on certain provisions in the Code of Lower Canada, and on suggestions received for the amendment of the Acts of 1858 and 1864. They provide that a guardian who has been appointed, or whose title has been declared, by the Court, shall not borrow for his ward, or transfer any part of the principal of his property, without the permission of the Court, and that the Court, before granting its permission, shall satisfy itself that the transaction proposed is either necessary or for the evident advantage of the ward, and, when granting the permission, shall itself record an order setting forth the necessity or advantage and the conditions subject to which it permits the loan to be taken or the transfer to be effected (I. L. R. 5 Cal. 363 and 6 Cal. 161).

These sections will be supplemented by rules made by the High Court under section 44.

15. *Section 28, clause (a), and section 29.*—These provisions are suggested by the case reported at I. L. R. 5 All. 248.

16. *Section 32.*—The rule contained in this section follows from guardianship being a trust. Though the right of survivorship is not acknowledged in England in the case of guardians appointed by the Court of Chancery, yet in practice the survivor or survivors will be re-elected by the Court without a reference. In America there is the right of survivorship among guardians appointed by the Court of Chancery.

17. *Section 33.*—A testamentary guardian may be removed under this section.

18. *Section 41.*—The cases reported at 15 W. R. 492 and 22 W. R. 479 have suggested the specification of the orders from which an appeal shall lie.

19. Acts XL of 1858 and XX of 1864 provide, in sections 27 and 31, respectively, that nothing in those Acts shall authorise the appointment of any person other than a female as the guardian of the person of a female. The cases reported at I. L. R. 10 Cal. 15 and 11 Cal. 574, and the remarks at pages 213-14 of Sayyid Amir Ali's *Personal Law of Muhammadans*, seem to render the re-enactment of the provision inexpedient. Section 15 of the Bill specifies the matters by which the Court is to be guided in appointing a guardian, and one of those matters is the law to which the minor is subject.

20. The provision of Act XX of 1864, that the legal heir of a minor, or the person next in succession to his property, may not be appointed guardian of the person of the minor, has not been repeated. It is considered that the appointment of such persons should not be absolutely prohibited. This was the opinion of the Supreme Council when Act XL of 1858 was about to be enacted (Proceedings of Legislative Council, 1858, pages 576-77), and is the opinion of the Hon'ble Mr. M. Melvill.

21. If the Bill becomes law in its present form, article 10 of Schedule I of the Court-fees Act, 1870, which applies only to the Presidencies of Bengal and Bombay, will become obsolete. It has, therefore, been included in the schedule of enactments to be repealed.

22. A table is appended showing how the principal enactments scheduled for repeal have been reproduced in the Bill or otherwise dealt with.

C. P. ILBERT.

The 12th March, 1886.

Statement shewing how the principal Enactments scheduled for repeal in the Guardians and Wards Bill have been reproduced in the Bill or otherwise dealt with.

Enactments scheduled for repeal.	How reproduced or otherwise dealt with.
ACT XIV OF 1858:	
Section 1	Sections 20, 28 (*e*) and 36 of Bill.
2	
3	Section 21 of Bill.
4	Sections 41 and 42 of Bill.
ACT XL OF 1858:	
Section 1	Repealed by Act XIV of 1870.
2	Sections 3, 26 and 36 of Bill.
3, paragraph 1	Section 8 of Bill.
paragraph 2 } who to institute proviso } or defend suits on behalf of minors.	Left to be dealt with in the Bill to amend the Code of Civil Procedure. See paragraph 4 of Statement of Objects and Reasons.
4	Section 8 of Bill.
5	Section 9 of Bill.
6, paragraph 1	Section 11 (*1*) of Bill.
paragraph 2	Section 13 of Bill.
proviso	Section 40 of Bill.
7	Sections 7 and 8 of Bill.
8	Section 40 of Bill.
Sections 9, 10 and 11, paragraphs 1 and 2	Sections 7 and 14 (*2*) of Bill.
Section 11, paragraph 3	Section 28 (*f*) of Bill.
paragraph 4	Section 28 (*e*) of Bill.
12: when Collector may be directed to take charge of estate. (*Repealed in Lower Provinces by Bengal Act IX of 1879.*)	Unnecessary. The Court of Wards can act in cases in which management by the Collector is desirable.

Statement shewing how the principal Enactments scheduled for repeal in the Guardians and Wards Bill have been reproduced in the Bill or otherwise dealt with—contd.

Enactments scheduled for repeal.	How reproduced or otherwise dealt with.
ACT XL OF 1858:—contd.	
Section 13	Section 44 of Bill.
14: when Collector may be directed to retain charge of shares and persons of certain minors. (*Repealed in Lower Provinces by Bengal Act IX of 1879, and in Central Provinces by Act XVII of 1885.*)	Unnecessary, as Chapter II is framed. See paragraph 12 of Statement of Objects and Reasons.
15: control of proceedings of Collector. (*Repealed in Lower Provinces by Bengal Act IX of 1879.*)	Unnecessary, as the Bill is framed.
16, paragraph 1	Section 28 (*b*) of Bill.
paragraph 2	Section 28 (*c*) of Bill.
paragraph 3	Compare sections 29 and 30 of Bill.
17	Sections 28 (*d*) and 45 (*e*) and (*f*) of Bill.
18, paragraph 1	Section 26 (*3*) of Bill.
paragraph 2	Sections 24 and 25 of Bill.
19	Sections 29, 30 and 31 of Bill.
20: continuance of suit after disqualification ceases.	Will be covered by the Code of Civil Procedure.
21 (*Repealed in part in Lower Provinces by Bengal Act IX of 1879.*)	Sections 33 and 35 (*3*) of Bill.
22	Section 38 of Bill.
23, first sentence	Section 34 of Bill.
second sentence . . .	Section 35 (*3*) and (*4*) of Bill.
24	Sections 28 (*f*) and 45 (*g*) of Bill.
25 (*Repealed in part in Lower Provinces by Bengal Act IV of 1870, section 86.*)	Sections 20, 28 (*e*) and 36 of Bill.
26	Section 4 (*1*) of Bill: and see paragraph 6 of Statement of Objects and Reasons.
27, paragraph 1, first sentence .	Section 16 of Bill.
second sentence: guardians of females to be themselves females.	Not reproduced. See paragraph 19 of Statement of Objects and Reasons.
paragraph 2	Section 35 (*1*) (*d*) and (*e*) of Bill.
28	Section 41 of Bill.
29, paragraph 1, first sentence .	Sections 4 (*4*) and 9 of Bill.
second sentence .	Section 3 of Bill.
paragraph 2 (*number and gender*)	Not reproduced. See the General Clauses Act, I of 1868.
ACT IX OF 1861:	
Section 1, first sentence	Sections 7, 8, 9 and 10 of Bill.
second sentence . . .	Section 11 (*1*) of Bill.
2	Section 12 of Bill.
3	Sections 7, 13 and 44 of Bill.
4: application of Code of Civil Procedure.	Not reproduced. See section 647 of the Code of Civil Procedure.
5	Section 41 of Bill.
6	Section 42 of Bill.
7	Section 3 of Bill.
8: definition of "Sadr Court" .	Not reproduced. See the General Clauses Act, I of 1868.

Statement shewing how the principal Enactments scheduled for repeal in the Guardians and Wards Bill have been reproduced in the Bill or otherwise dealt with—contd.

Enactments scheduled for repeal.	How reproduced or otherwise dealt with.
ACT XX OF 1864:	
Section 1	Sections 26 and 36 of Bill.
2, paragraph 1	Section 8 of Bill.
paragraph 2 } who to institute or defend suits on behalf of minors.	Left to be dealt with in the Bill to amend the Code of Civil Procedure. See paragraph 4 of Statement of Objects and Reasons.
proviso }	
3	Section 8 of Bill.
4	Section 9 of Bill.
5, paragraph 1	Section 11 (*1*) of Bill.
paragraph 2	Section 13 of Bill.
proviso	Section 40 of Bill.
6	Sections 7 and 8 of Bill.
7	Section 40 of Bill.
Sections 8, 9 and 10, paragraphs 1 and 2, and proviso.	Sections 7 and 14 (*2*) of Bill. See paragraph 20 of the Statement of Objects and Reasons.
Section 10, paragraph 3	Section 28 (*f*) of Bill.
10, paragraph 4	Section 28 (*e*) of Bill.
11: when Collector may be directed to take charge of estate	Unnecessary, as section 7 is framed.
12	Section 28 (*a*) of Bill.
13	Section 44 of Bill.
14: procedure when proprietor of estate under Collector's charge comes of age.	Unnecessary, as Chapter II is framed. See paragraph 12 of Statement of Objects and Reasons.
15: control of proceedings of Collector.	Unnecessary, as the Bill is framed.
16, paragraph 1	Section 28 (*b*) of Bill.
paragraph 2	Section 28 (*c*) of Bill.
paragraph 3	Compare sections 29 and 30 of Bill.
17	Sections 28 (*d*) and 45 (*e*) and (*f*) of Bill.
18, paragraph 1	Section 26 (*3*) of Bill.
paragraph 2	Sections 24 and 25 of Bill.
19	Sections 29, 30 and 31 of Bill.
20: continuance of suit after disqualification ceases.	Will be covered by the Code of Civil Procedure.
21	Sections 33 and 35 (*3*) of Bill.
22	Section 38 of Bill.
23, first sentence	Section 34 of Bill.
second sentence	Section 35 (*3*) and (*4*) of Bill.
24	Sections 28 (*f*) and 45 (*g*) of Bill.
25	Sections 20, 28 (*e*) and 36 of Bill.
26 }	Sections 20, 22 (*1*) and 36 of Bill.
27 }	
28	Section 28 (*e*) of Bill.
29: marriage of minors	Compare sections 20, 24 and 28 (*e*) of Bill.
30	Section 4 (*1*) of Bill: and see paragraph 6 of Statement of Objects and Reasons.
31, paragraph 1: as to guardians of married females.	Section 16 of Bill.
paragraph 1: as to guardians of females being themselves females.	Not reproduced. See paragraph 19 Statement of Objects and Reasons.
paragraph 2: guardianship to cease when husband attains majority.	Section 35 (*1*) (*d*).

Statement shewing how the principal Enactments scheduled for repeal in the Guardians and Ward Bill have been reproduced in the Bill or otherwise dealt with—concld.

Enactments scheduled for repeal.	How reproduced or otherwise dealt with.
ACT XX OF 1864:—*contd.*	
Section 32: saving of Act XXXV of 1858 (*Lunatics*).	Not reproduced.
33	Section 41 of Bill.
34, paragraph 1	Sections 4 (*4*) and 9 of Bill.
paragraph 2	Section 3 of Bill.
paragraph 3 (*number and gender*)	Not reproduced. See the General Clauses Act, I of 1868.
ACT XIII OF 1874:	
Section 1 (Formal)	.....
2 "Minor"	Section 4 (*1*) of Bill.
"Guardian"	Section 4 (*2*) of Bill.
"Court"	Sections 4 (*4*) and 9 of Bill.
3	Section 5 of Bill.
4, paragraph 1	Section 7 of Bill.
paragraph 2	Section 14 (*3*) of Bill.
paragraph 3	Section 14 (*4*) of Bill.
5, paragraph 1	Sections 8 and 10 (*1*) of Bill.
paragraph 2	Section 10 (*2*) of Bill.
paragraph 3	Section 11 (*1*) of Bill.
6	Section 12 of Bill.
7	Sections 7, 13 and 44 of Bill.
8, paragraph 1, first and second sentences: application of Code of Civil Procedure.	Not reproduced. See section 647 of the Code of Civil Procedure.
third sentence .	Section 41 of Bill.
paragraph 2 (Forms)	Not reproduced.
paragraph 3	Section 45 of Bill.
9	Section 42 of Bill.
10, clause (*a*)	Section 15 (*1*) and (*3*) of Bill.
clause (*b*)	Section 15 (*4*) of Bill.
clause (*c*)	Section 15 (*2*) of Bill.
11	Section 20 of Bill.
12	
13	Section 21 of Bill.
14, paragraph 1	Section 22 (*1*) of Bill.
paragraph 2	Section 37 of Bill.
15	Section 23 of Bill.
16	Sections 24 and 25 of Bill.
17	Section 28 (*e*) of Bill.
18, clauses (*a*) to (*d*) . . .	Section 28 (*a*), (*c*), (*d*) and (*f*) of Bill.
18, clause (*e*)	Section 18 (*3*) of Bill.
19	Section 19 of Bill.
20	Sections 26 (*1*) and 36 (*1*) of Bill.
21	Section 32 of Bill.
22	Section 33 of Bill.
23	Section 34 of Bill.
24	Sections 33 (*2*) and 34 (*2*) of Bill.
25, paragraph 1	Section 35 (*1*) of Bill.
paragraph 2	Section 35 (*2*) of Bill.
Schedule (Forms)	Not reproduced.

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